

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15079 of 2018

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Santosh Kumar @ Santosh Kumar Singh @ Santosh Singh, Son of Maheshwar Singh, resident of Village- Tajpur, Police Station- Kesharia, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Putul Devi, Wife of Santosh Kumar @ Santosh Kumar Singh @ Santosh Singh, resident of Village- Tajpur, Police Station- Kesharia, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 28-03-2018

The present application has been filed for modification of the order dated 21.09.2016 passed in Cr. Misc. No. 41350 of 2016 to the extent of extending/confirming the provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant, was granted provisional anticipatory bail for six months in a case registered for the offences punishable under Sections 498A, 380, 406, 323 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The provisional anticipatory bail was granted on submission made on behalf of the petitioner that the petitioner



is ready to keep the informant with full dignity and honour. Statement to that effect has been made in paragraph 10 of the main petition, which reads as follows:-

“That, be that as it may, the petitioner has no grievance against his wife and he however undertakes before the Hon’ble Court to keep his wife with full dignity and honour, respect and comfort, safety and security.”

The learned Court below was directed to issue notice to the informant and on her appearance the petitioner was supposed to take the informant to keep her as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities:- (i) if the matrimonial harmony is substantially restored; (ii) if the informant failed to appear; or (iii) if the informant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that in compliance of the said order the petitioner took the informant Putul Devi to matrimonial home but after residing there for four months she has deserted the petitioner, hence, the issue could not be reconciled. It is further submitted that learned ACJM-11, East Chamaparan, Motihari vide order dated



19.12.2017 cancelled the bail bond of the petitioner only for a default of two occasions and hence, the present application.

Considering the fact that the petitioner has not challenged the order dated 19.12.2017 passed by learned Court below, whereby petitioner's bail bond has been cancelled, moreover, the order dated 19.12.2017 passed by learned ACJM-11, East Champaran, Motihari reflects that the informant is ready to resume conjugal life but the petitioner deliberately chose not to appear, this Court is not inclined to interfere.

However, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court keeping in view the fact that the petitioner has remained on anticipatory bail for a considerable period, if the petitioner surrenders before the learned Court below within a period of six in connection with Kesariya P.S. Case No. 316 of 2014, pending in the Court of learned 11th Additional Chief Judicial Magistrate, East Champaran, Motihari.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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