

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20293 of 2018

In
Criminal Miscellaneous No.19330 of 2016

Arising Out of PS. Case No.- Year- Thana- District- Purnia

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Deepak Kumar, Son of Late Randhir Kumar, Resident of Village- Gandhi Nagar, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Kumari alias Rupa, Wife of Deepak Kumar, Son of Late Randhir Kumar, Resident of Village- Gandhi Nagar P.S. K Hat, District- Purnea presently residing at Village- Krishna Mandir Tatma Toli P.S.- Sahayak K Hat District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan
For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-07-2018

Heard learned counsels for the parties.

The present application has been filed for modification of order dated 2.5.2016 passed in Cr. Misc. No. 19330 of 2016 to the extent of extending the period of provisional anticipatory bail for six months or for confirming the provisional anticipatory bail of the petitioner.

The factual matrix of the case is that the petitioner, being the husband of the complainant was granted provisional anticipatory bail for one year vide order dated 2.5.2016 passed in Cr. Misc. No. 19330 of 2016 in a complaint case wherein process was directed to be issued after cognizance being taken



for the offences punishable under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act on the admission and submission of the petitioner that he is married with the complainant and is willing to keep her as wife with full dignity and honour, moreover, statement to that effect was made in paragraph 9 of the main application and the petitioner filed Matrimonial Suit for restitution of conjugal rights.

Learned Court below was supposed to issue notice to the complainant. The provisional bail of the petitioner was to be confirmed in three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled since the complainant failed to accept the offer of the petitioner. It appears from order dated 12.9.2017 passed by the learned SDJM, Purnea, as contained in Annexure 3 that after furnishing bail bond, the petitioner did not appear before the learned Court below till the period of provisional anticipatory bail. Hence, application on behalf of the petitioner under Section 317 Cr.P.C. was rejected.

In the circumstances, this Court is not inclined to



consider the extension of period of provisional anticipatory bail. However, keeping in view the fact that the petitioner was on provisional anticipatory bail for a considerable period, learned court below is expected to consider the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks in connection with Complaint Case No. 1717 of 2013 pending in the court of the learned SDJM, Purnea.

The present order will not preclude the parties to get the issue mediated in view of the judgment of Apex court in the case of K. Srinivas Rao Vs. D.A. Deepa reported in (2013) 5 Supreme Court Cases 226.

With the aforementioned observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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