

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24427 of 2018**

=====

Satish Kumar @ Ranjeet Kumar S/o Brahmdeo Prasad, Resident of Vill.-  
Gopalpur, Baluwa, P.S.-Motihari Town, Dist.-East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Lovely Shrivastava W/o Satish Kumar @ Ranjeet Kumar D/o  
Devendra Prasad, of Vill.-Chilwaniya, Chandmari, P.S.-Motihari Town,  
Dist.-East Champaran.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

02/ 02-05-2018

Heard Mr. Sanjeet Deokuliar, learned counsel

for the petitioner and Mr. Uma Shankar Prasad Singh, learned  
counsel for the State.

The present application has been filed for  
modification of order dated 27.10.2016 passed in Cr. Misc. No.  
22967 of 2016 to the extent of extending the period of provisional  
bail.

The factual matrix of the case would unveil  
that the petitioner being the husband of the complainant preferred  
Cr. Misc. No. 22967 of 2016 in a complaint case, wherein process  
has been directed to be issued after cognizance being taken for the  
offence punishable under Section 498A of the Indian Penal Code.



Considering the stand of the parties, this Court vide order dated 27.10.2016 granted provisional anticipatory bail to the petitioner for one year, on submission made on behalf of the petitioner that he is ready to keep the complainant as wife with full dignity and honour and statement to that effect was made in paragraph 20 of the application. The offer of the petitioner was accepted by the complainant and both sides agreed to appear before the learned Court below on 15<sup>th</sup> of November, 2016 when the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below 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 in pursuance to the order of this Court, the petitioner furnished bail bond and took the complainant to Delhi for her treatment but when the petitioner received information about the illness of his aunt, he asked the complainant to go to the matrimonial house but she declined to go. Subsequently the complainant went to her maternal uncle's house and thereafter she did not return. Ultimately vide order dated 23.03.2018 passed by



learned Court below the bail bond of the petitioner has been cancelled on the application of the father of the complainant. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Mr. Uma Shankar Prasad Singh, learned APP submits that the order dated 23.03.2018 passed by learned Court below cancelling the bail bonds of the petitioner reflects that the petitioner evaded to appear before the learned Court below on pretext of illness but no medical document was produced in support the medical illness. Accordingly, application was file on behalf of opposite party no. 2 for cancellation of the bail bond of the petitioner and now the bail bond of the petitioner has already been cancelled.

Considering the rival submissions of the parties, since the period of provisional bail of the petitioner got lapsed on 26.10.2017 and the present modification application has been registered on 20.04.2018, moreover, the bail bond of the petitioner has already been cancelled vide order dated 23.03.2018, this Court is not inclined to interfere.

However, keeping in view the fact that the petitioner is still ready to keep the complainant with dignity and honour and is ready to resolve the issue, it is expected from the



learned Court below to make effort to mediate the issue in view of the ratio laid down in the case of K. Srinivas Rao Vs. D.A. Deepa reported in 2013 (5) SCC, 226 and for conducting such mediation, let no coercive steps be taken against the petitioner for next six weeks in connection with Complaint Case No. C 1701 of 2015, pending in the Court of learned S.D.J.M., Sadar, East Champaran, Motihari. On substantial restoration of matrimonial harmony the learned Court below will consider the prayer for bail of the petitioner.

Accordingly, this application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

