

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42844 of 2018

=====

Sudhir Singh @ Sudhir Kumar Singh, S/o Rajeshwar Singh, Resident of village- Bhewad (Musepur), P.S. & District- Jehanabad. Presently Residing at Village- Jaitia, P.S.- Cherki, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi, W/o Sudhir Singh @ Sudhir Kr. Singh, Resident of Village- Bhewad (Musepur), P.S. & District- Jehanabad, Presently Resident of Village- Jaitiya, P.S.- Cherki, District- Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Samir Kumar

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 25-07-2018

The petitioner, being the husband of the complainant, has renewed the prayer for anticipatory bail in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

The first application for anticipatory bail, being Cr. Misc. No. 37980 of 2016 was disposed of vide order dated 04.10.2016, as contained in Annexure-1, whereby the petitioner was granted provisional anticipatory bail for six months



on the basis of the submission made by learned counsel for the petitioner that the petitioner is ready to maintain the complainant and children with due dignity and honour when the learned Court below was directed to issue notice to the complainant and on her appearance, the petitioner was 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 either of the three eventualities:- (i) on substantial restoration of the matrimonial harmony; or (ii) if the complainant gets reluctant to reconcile the issue; or (iii) if the complainant fails to appear before the learned Court below. Subsequently, Cr. Misc. No. 33447 of 2017 was preferred by the petitioner for modification of order dated 04.10.2016 passed in Cr. Misc. No. 37980 of 2016 to the extent of confirming the provisional anticipatory bail of the petitioner. This Court declined to confirm the provisional bail vide order dated 09.08.2017 on the ground that the modification application was registered on 17.07.2017 when the period of provisional bail got lapsed on 03.04.2017. Now the prayer for anticipatory bail has been renewed on the ground that the matrimonial suit has been filed on behalf of the petitioner for dissolution of marriage.

In view of the fact that the petitioner was given opportunity to get the issue resolved but the issue has not



been resolved, this Court is not inclined to revise the earlier order. However, the present order will not preclude the learned Court below to consider the prayer for regular bail of the petitioner and try to get the issue mediated 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 if need be may grant provisional bail to the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Complaint Case No. 1288 of 2013, pending in the Court of learned Sub-divisional Judicial Magistrate, Gaya.

The provisional bail will be confirmed by the learned Court below on being satisfied the bonafide of the petitioner.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

