

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32374 of 2019

In
CRIMINAL MISCELLANEOUS No.35899 of 2015

Arising Out of PS. Case No.-1043 Year-2013 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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SUBODH SAH @ SUBODH PRASAD SAH Son of BabuLal Sah Resident
of Village Pirpainti, P.S. Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pooja Kumari Daughter of Khalo Sah Resident of Village- Rahimpur P.S.-
Parbatta, District- Khagaria, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 24.8.2015 passed in Cr. Misc. No.35899 of 2015 to the extent of confirmation of the provisional anticipatory bail granted to the petitioner.

The factual matrix of the case is that the petitioner being husband of the complainant, 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 Sections 3 and 4 of Dowry Prohibition Act, preferred Cr. Misc. No. 35899 of 2015 with a prayer for anticipatory bail and the



petitioner was granted provisional anticipatory bail for a period of one year vide order dated 24.8.2015 on the submission of the learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour and the said offer being accepted by the learned counsel for the complainant. The learned Court below was supposed to confirm the provisional anticipatory bail in three eventualities - (i) on substantial restoration of the matrimonial harmony, (ii) or if the complainant gets reluctant to reconcile the issue or (iii) if the complainant fails to appear before the learned Court below.

Learned counsel for the petitioner submits that the petitioner and the complainant are residing together and a petition to that effect has been filed before the learned Court below whereupon learned Court below directed the petitioner and the complainant to appear on 5.9.2018 but petitioner could not appear on the aforesaid date since he was not granted leave, as a result, the bail bonds have been cancelled.

Considering the fact that the petitioner was granted provisional anticipatory bail for one year vide order dated 24.8.2015 which got lapsed on 23.8.2016 and the present modification application was registered on 14.5.2019, coupled with the fact that the bail bonds of the petitioner have been



cancelled, this Court is not inclined to interfere.

However, in view of the submissions of learned counsel for the petitioner that the petitioner and complainant are residing together, it is a case for consideration of the prayer for regular bail in case the petitioner surrenders before the learned Court below in connection with Complaint Case No. 1043C of 2013 pending in the Court of the learned SDJM, Khagaria provided that the learned Court below is convinced that the petitioner and the complainant are residing together.

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

(Dinesh Kumar Singh, J)

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