

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22803 of 2019

Arising Out of PS. Case No.-4573 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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KUMAR VISHAL Son of Lalan Prasad Resident of Village - Prithwipur, Near
Versa Studio, Kankarbagh, P.s.- Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar
For the Opposite Party/s : Mrs.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-07-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP representing the
State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Complaint Case No.4573©/2017 for the
offences punishable under Sections 498(A), 323, 406, 354 and
34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

It appears that in the present case petitioner was
granted anticipatory bail vide order dated 11.04.2019 passed by
this Court. While passing the said order, this Court had imposed
a condition whereunder the petitioner had to remain physically
present in court on each and every date during the trial and in



the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the court concerned.

It is submitted that because the petitioner had failed to abide by the conditions on which he was granted anticipatory bail by this Court, the complainant filed a petition for cancellation of his bail bond and now the bail bonds have been cancelled.

Learned counsel for the complainant has appeared. He has though opposed the prayer for anticipatory bail on the ground that in the given facts and circumstances the anticipatory bail application is not maintainable because the petitioner has earlier availed the provisional anticipatory bail but having failed to abide by one of the conditions on which he was granted provisional anticipatory bail by this Court, the same privilege cannot be advanced to him.

Learned counsel for the informant has however come out with a statement that in order to save her marriage if the petitioner visits her house within three week from today and takes her back to the matrimonial home where he resides, she will request this Court to grant him an interim protection from arrest for some time in order to facilitate his arrival and take her



back to the matrimonial home.

In the given facts and circumstances of the case, this Court is of the considered opinion that the petitioner may make an appropriate application in the court below to keep execution of the warrant in abeyance for three weeks and if such an application is filed in the court below the same will be considered keeping in mind the stand of the informant in order to save the marriage between the parties and an appropriate order shall be passed thereon. Thereafter the petitioner may avail his remedy in accordance with law.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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