

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4257 of 2018

In
Criminal Miscellaneous No.9094 of 2016

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

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Dr. Dhiraj Kumar, S/o Sri Harihar Sah, R/o Vill.- Balra Kishun, P.S.-
Maniyari, District- Muzaffarpur, presently residing at care of Chandrabhushan
Prasad, E-110, D.D.A. Coloney, Khayala, P.S.- Khayala, New Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rakhi Kumari, W/o Dr. Dhiraj Kumar, R/o Vill.- Balra Kishun, P.S.-
Maniyari, Distt.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 The present application has been filed for
modification of order 23.02.2016 passed in Cr. Misc. No. 9094
of 2016, whereby the petitioner was granted anticipatory bail for
six months 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 Sections 3/4 of the Dowry Prohibition Act.

The provisional anticipatory bail was granted to the
petitioner on the statement made in paragraph 12 of the main
petition to the effect that the petitioner is ready to keep the
complainant as wife with full dignity and honour when the
learned Court below was expected to issue notice to the



complainant and on her appearance, the petitioner was to take the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities (i) on substantial restoration of the matrimonial harmony within a period of six months (ii) if the complainant fails to appear before the learned Court below (iii) if the complainant reluctant to reconcile the issue.

It appears that the period of provisional anticipatory bail got lapsed on 22.08.2016, whereas the present modification application has been registered on 19.01.2018, much after lapse of the period of provisional anticipatory bail and now the learned counsel for the opposite party no. 2 submits that after cancelling the bail bond, non-bailable warrant of arrest has been issued against the petitioner.

However, it is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour, but learned counsel for the opposite party no. 2 submits that the complainant has preferred a matrimonial suit for dissolution of marriage.

In the circumstances, it is expected from the learned



Court below to consider the prayer for regular bail of the petitioner since there seems no chance of issue being reconciled in terms of resumption of the conjugal life, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 26971© of 2014, pending in the Court of learned Sub-divisional Judicial Magistrate, Patna.

With the above observation and direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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