

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32389 of 2019

In
CRIMINAL MISCELLANEOUS No.1237 of 2015

Arising Out of PS. Case No.-58 Year-2013 Thana- MAHILA P.S District- Supaul

MANOJ KUMAR @ MANOJ KUMAR CHAUDHARY @ MANOJ CHAUDHARY Son of Late Bhuwan Choudhary Resident of Village - Govindpur, P.S.- Pratapganj, District- Supaul

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jyoti Devi Wife of Manoj Choudhary, D/O- Siyaram Choudhary Resident of Village - Ghataha Govindpur, P.S.- Pratapganj, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 23.1.2015 passed in Cr. Misc. No.1237 of 2015 to the extent of confirming the provisional anticipatory bail.

The factual matrix of the case is that the petitioner being husband of the O.P. No.2 preferred Cr. Misc. No. 1237 of 2015 with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 341,323,498A,504 and 506 of the IPC. The accusation was of torture for non-fulfillment of dowry demands. The petitioner was granted provisional anticipatory bail for one year on the submission of the learned



counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour, though no statement to that effect was made in the petition. The learned Court below was supposed to issue notice to the O.P. No. 2 and on her appearance the petitioner was to take her 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) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned Court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that vide order dated 6.4.2018, the bail bonds of the petitioner has been cancelled by the learned ACJM IV, Supaul. However, a petition has been filed before the learned Court below on 6.11.2018 to the effect that the issue between the parties has been resolved but the informant has filed Matrimonial Suit No. 39 of 2018 for dissolution of marriage with consent under Section 13B of the Hindu Marriage Act, 1955 which is pending before the learned Principal Judge, Family Court, Supaul. However, the petitioner has already paid permanent alimony amount to the O.P. No. 2.



Considering the fact that the present application has been filed for modification of the provisional bail order dated 23.1.2015 which got lapsed on 22.1.2016, the bail bonds of the petitioner were cancelled vide order dated 6.4.2018 and the present modification application has been registered on 14.5.2019, this Court is not inclined to interfere in the matter. However, keeping in view the fact that the issue has been reconciled between the parties, matrimonial suit for dissolution of marriage with mutual consent has already been filed and one time alimony amount has been paid to the O.P. No. 2, it is a case for consideration of regular bail by the learned Court below. It is expected from the learned Court below to dispose of such application for bail preferably on the same day, in case the petitioner surrenders within six weeks in connection with Supaul Mahila P.S. Case No. 58 of 2013 pending in the Court of the learned ACJM 4, Supaul.

With the aforesaid observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

