

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76624 of 2018

In
CRIMINAL MISCELLANEOUS No.36226 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Lalan Mandal @ Lalan Kumar Son of Shree Bhola Mandal, Resident of Village-Arraha, Post Office-Kamldah, Police Station and Distt.-Supaul at Present Naya Bazar Ward No.3., Police Station and Distt.-Saharsa

... .. Petitioner/s

Versus

1. State Of Bihar
2. Jyoti Kumari, Wife of Lalan Mandal @ Lalan Kumar, D/o of Dinesh Mandal Resident of Village - Gosala Chouk Ward No.4 Murliganj Police station Murliganj, Distt.-Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.
For the Opposite Party/s : Mr. Sri Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-08-2019 Heard learned counsels for the petitioner and opposite party no.2.

The present application has been filed for modification of the order dated 17.09.2018, passed in Criminal Miscellaneous No.36226 of 2018 to the extent of extending the period of surrender of the petitioner, being husband of the complainant- opposite party no.2, in connection with 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 and 4 of the Dowry Prohibition Act.



The marriage between the petitioner and the complainant is admitted.

The basic accusation is of inflicting torture upon the complainant for non-fulfillment of further dowry demand of Rupees One Lakh and a motorcycle and making attempt to get the life of the complainant. It was also alleged that the petitioner has performed second marriage.

The petitioner was granted provisional anticipatory bail for six months on the basis of submission and statement made in paragraph no.8 of the main petition that the petitioner is ready to keep the opposite party no.2 as wife with full dignity and honour. The petitioner also denied to have performed second marriage. The complainant reluctantly accepted the offer of the petitioner and both sides agreed to appear before the learned Court below on 27th of September, 2018 when the petitioner was to take the complainant to her matrimonial house and from there to the place of work at Delhi to keep her with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below; or (iii) if the complainant gets



reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender before the learned Court below since the complainant was not ready to appear. However, at present, both sides are ready to appear before the learned Court below on 3rd of September, 2019 in terms of order dated 17.09.2018 passed in Criminal Miscellaneous No.36226 of 2018.

Learned counsel for the complainant submits that he is having no objection in modifying the order dated 17.09.2018, passed in Criminal Miscellaneous No.36226 of 2018 to the extent of extending the period of surrender of the petitioner since the complainant is still ready to resume the conjugal life.

Considering the present stand of the parties, the order dated 17.09.2018, passed in Criminal Miscellaneous No.36226 of 2018 is modified to the extent that the period of provisional anticipatory bail granted to the petitioner in connection with Complaint Case No. 322 of 2017, pending before the learned SDJM, Madhepura is extended till 30th of October, 2019.

The learned Court below will be at liberty to confirm the provisional anticipatory bail of the petitioner granted vide order dated 17.09.2018 in Criminal Miscellaneous No.36226 of



2018, on appearance of both sides before the learned Court below on 3rd of September, 2019, in three eventualities i.e., (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below; or (iii) if the complainant gets reluctant to reconcile the issue.

It is made clear that no further modification application will be entertaine.

(Dinesh Kumar Singh, J)

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