

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40516 of 2019

In
CRIMINAL MISCELLANEOUS No.37428 of 2018

Arising Out of PS. Case No.-124 Year-2017 Thana- BELA District- Sitamarhi

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Sachin Kumar, S/o Late Madan Prasad Srivastava Resident of Village- Susta
Kachchi Pakki, Chawk, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupam Kumari, Wife of Sachin Kumar, Daughter of Manoj Kumar
Shrivastava Resident of village- Khirba, P.O.- Bhiswa Bazar, P.S.- Bela,
District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2019 The present application has been filed for

modification of order dated 28.06.2018 passed in Cr. Misc. No.

37428 of 2018 to the extent of confirmation of the provisional

anticipatory bail.

The petitioner, being the husband of the informant,

preferred Cr. Misc. No. 37428 of 2018 with a prayer for

anticipatory bail in a case registered for the offences punishable

under Sections 341, 323, 504, 379 and 498A/34 of the Indian

Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment

of the dowry demands.



On the statement made in paragraph 7 of the main petition that the petitioner is ready to keep his wife with full dignity and honour and petitioner filed Matrimonial Suit No. 260 of 2017 before the learned Principal Judge, Family Court, Muzaffarpur for restitution of conjugal right, the petitioner was granted provisional anticipatory bail for six months vide order dated 28.06.2018. However, learned Court below was supposed to issue notice to the informant and on her appearance, the petitioner was supposed to take the informant to matrimonial home to keep her as wife with full dignity and honour. The provisional bail of the petitioner 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 gets reluctant to reconcile the issue.

A supplementary affidavit has been filed by the petitioner stating that the bail bond of the petitioner has been cancelled vide order dated 14.05.2019 by learned SDJM, Sadar, Sitamarhi.

Learned counsel for the petitioner submits that the provisional bail of the petitioner has not been confirmed due to apathetic attitude of the informant and still petitioner is ready to



keep the informant as wife with full dignity and honour.

It appears that the period of the provisional anticipatory bail got lapsed on 27.01.2019 whereas the present modification application has been registered on 29.06.2019, moreover, bail bond of the petitioner has been cancelled vide order 14.05.2019 by the learned Court below but the said order has not been challenged, hence, this Court is not inclined to modify the earlier order.

However, keeping in view the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Bela P.S. Case No. 124 of 2017, pending in the Court of learned SDJM, Sadar, Sitamarhi.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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