

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60767 of 2017

In
CRIMINAL MISCELLANEOUS No.58450 of 2015

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

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Sanjiv Kumar @ Mintu, Son of Atrughan Prasad Singh, Resident of Village
Dighi Police Station Murliganj, District Madhepura.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Kajal Kumari, wife of Sanjiv Kumar 'Mintu' daughter of Rama Nand Singh
Resident of Village Bhagwatpur Police Station Mahishi District Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 21-08-2019 Heard learned counsel for the petitioner and opposite
party no.2.

The present application has been filed for
modification of the order dated 04.01.2016, passed in Criminal
Miscellaneous No.58450 of 2015 to the extent of confirming the
provisional bail granted to 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
Sections 323, 379 and 498A of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The marriage between the petitioner and the



complainant is an admitted fact.

The basic accusation is of inflicting torture upon the informant for non-fulfillment of further dowry demand.

The petitioner was granted provisional anticipatory bail for one year on the basis of submission and statement made in paragraph no.10 of the main petition that the petitioner is ready to keep the opposite party no.2 as wife with full dignity and honour when the learned Court below was directed to issue notice upon the complainant for her appearance and on appearance of the complainant, the petitioner was supposed to take the complainant to keep her as wife 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 learned Court below has neither confirmed the provisional anticipatory bail granted to the petitioner nor the bail bonds of the petitioner has been cancelled till date, hence, the petitioner has preferred the present modification application.



It appears that this Court vide order dated 04.04.2018 while issuing notices upon the opposite party no.2 on the submission made by learned counsel for the petitioner to the effect that the bail bonds of the petitioner have not been cancelled, directed not to take any coercive steps against the petitioner in connection with Complaint Case No.1636 C of 2013, pending before the learned SDJM, Saharsa. Thereafter, on joint prayer of the parties, this Court vide order dated 10.07.2019, referred the matter to the Patna High Court Mediation and Conciliation Centre. The report of the Mediator dated 03.08.2019, kept at 'Flag-B' reflects that the issue has been resolved between the parties through the process of mediation in terms of agreement arrived at between the parties. From perusal of the agreement arrived at between the parties, it appears that both sides decided to resume the conjugal life. Both sides have also decided to withdraw the cases lodged against each other.

Learned counsel for the petitioner submits that the matrimonial harmony has been restored between the parties and both are residing together as husband and wife.

Mr. Pramod Mishra, learned counsel for the complainant submits that he is not controverting the



submissions made by learned counsel for the petitioner and in that background, the complainant is not opposing the prayer on behalf of the petitioner for modification of the order dated 04.01.2016, passed in Criminal Miscellaneous No.58450 of 2015. It is further submitted that the complainant is ready to file appropriate application before the learned Court below to the effect that the matrimonial harmony has been restored and now she is residing with her husband.

Considering the present stand of the parties, the order dated 04.01.2016, passed in Criminal Miscellaneous No.58450 of 2015 is modified to the extent that let the provisional bail granted to the petitioner is extended by 16th of September, 2019 in connection with Complaint Case No. 1636C of 2013, pending before the learned SDJM, Saharsa.

Both sides agree to appear before the learned Court below on 7th of September, 2019 when the complainant will file an affidavit to the effect that the matrimonial harmony has been restored and now the complainant is residing with her husband whereupon it is expected from the learned Court below to pass appropriate order for confirming the provisional anticipatory bail of the petitioner as expeditiously as possible.

Accordingly, the modification application stands



disposed of.

(Dinesh Kumar Singh, J)

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