

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47627 of 2017

In
CRIMINAL MISCELLANEOUS No.26153 of 2016

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

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Navin Kumar Nirala S/o Shri Birendra Paswan, R/o Village- Birrakh, P.S.-
Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnandan Kumar

For the Opposite Party/s : Mrs. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 07-08-2019 The present application has been filed with a prayer

for modification of the order dated 18.03.2017, passed in Cr.

Misc. No. 26153 of 2016, to the extent of confirming the

provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant
preferred Cr. Misc. No. 26153 of 2016 with a prayer for
anticipatory bail in connection with Sursand P.S. Case No. 48 of
2016, pending in the Court of learned SDJM, Pupri at Sitamarhi,
registered for the offences punishable under Sections 341, 323,
379 and Section 498A of the Indian Penal Code and Sections
3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment
of the dowry demand. The prosecution case, as per the written



report of Radha Kumari, dated 30.03.2016, submitted before the S.H.O., Sursand Police Station is to the effect that the informant was married with the petitioner, Navin Kumar Nirala on 20.04.2015, as per the Hindu rituals. Thereafter, the informant went to her in-laws house and stayed there for some time, but thereafter, the parents and brothers of the petitioner started inflicting torture upon the informant for non-fulfillment of further dowry demand of Rs. 2 lacs and a motorcycle and thereafter, the informant was driven out from her matrimonial house after snatching her all belongings, leading to the registration of the present case.

During hearing of the criminal miscellaneous application, the petitioner and the informant/opposite party no.2 were present in the Court and on undertaking of the petitioner that he is ready to keep the informant as wife with full dignity and honour, which was accepted by the informant, the petitioner was granted provisional anticipatory bail for six months. The provisional bail of the petitioner was to be confirmed by the learned Court below on resolution of the issue between the parties.

It is submitted by learned counsel for the petitioner that the informant has never appeared before the learned Court



below, as a result, the provisional bail of the petitioner has not been confirmed, though the bail bonds have also not been cancelled as yet. The petitioner is still ready to keep the informant as wife with full dignity and honour.

It is submitted by learned counsel for the informant that the informant is also still ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court below on 13th of August, 2019 when the petitioner will take the informant to keep her as wife with full dignity and honour.

In the circumstances, keeping in view the present stand of the parties, if the bail bonds of the petitioner still have not been cancelled, the order dated 18.03.2017, passed in Cr. Misc. No. 26153 of 2016 is modified to the extent that the period of provisional anticipatory bail of the petitioner is extended by 15th of October, 2019.

The provisional bail of the petitioner will 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.

It is made clear that if the bail bonds of the petitioner



have already been cancelled, then the present order will have no effect and in that circumstance, the petitioner will surrender and pray for regular bail. However, keeping in view the present stand of the parties, learned Court below will consider and may dispose of the same preferably on the same day.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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