

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44686 of 2019

Arising Out of PS. Case No.-387 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. USHA SINHA @ USHA AMBASTA, Wife of Late Awinash Chandra Ambasta, Residing at Flat No. 2169, Block- L, 20th Floor, 1st Avenue, Gaur City-1, Greater Noida West, P.S.- Bistrakh, District- Gautam Budha Nagar (U.P.).
 2. Vikram Ambasta, Son of Late Avinash Chandra Ambasta Residing at Flat No. 2169, Block- L, 20th Floor, 1st Avenue, Gaur City-1, Greater Noida West, P.S.- Bistrakh, District- Gautam Budha Nagar (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Awantika Sinha, Wife of Sri Anand Prakash Ambasta, daughter of Sri Vinay Kumar Sinha Residing at Flat No. 2169, Block- L, 20th Floor, 1st Avenue, Gaur City-1, Greater Noida West, P.S.- Bistrakh, District- Gautam Budha Nagar (U.P.). At present residing at 495, Kanishka Residency, Ashoka Enclave Part-3, P.S.- Sarai Khawaja, District- Faridabad, Haryana.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajan Ghoshrave
For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-07-2019 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of C. A. No. 387 of 2017, disclosing offences under
Section 498A of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act, 1961.

The petitioner no. 1 is the mother-in-law and
petitioner no. 2 is the brother-in-law of Opposite Party No. 2.



Learned Counsel for the petitioners submits that anticipatory bail application of these petitioners was pending before the learned Court below since 23.04.2018 and was continuing on the basis of provisional bail granted by the learned Court below on 23.07.2018 and from time to time, the period of provisional bail was being extended, but a final decision on the bail application was not being taken. He submits that by the impugned order, dated 05.04.2019, the bail application of these petitioners has been dismissed for default, despite the fact that from the order, dated 04.04.2019, it would be apparent that the husband and wife have compromised their dispute. He submits that for the last one year, these petitioners were directed to be physically present before the Court on the date fixed for extension of provisional bail from time to time. He further submits that on 05.04.2019, i.e. when the case was dismissed for non-appearance, the petitioners could not come due to the fact that wife of petitioner no. 2 had delivered a child on 27.02.2019.

Be that as it may, learned Counsel for the petitioners is permitted to withdraw this application with liberty to file a restoration application before the learned Court below within a period of one week from today and if such application



is filed, the same shall be considered on its own merit within a period of ten days from the date of filing of the application. In case, the Court below decides to restore the bail application on the basis of the reasons assigned in the restoration application, the final decision in the anticipatory bail application filed by the petitioners shall be taken within a period of one month from the date of restoration of the original anticipatory bail application.

This application is disposed of with the observations and directions, as above.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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