

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45826 of 2018**

**In**  
**CRIMINAL MISCELLANEOUS No.16604 of 2016**

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

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Alok Kumar Jha, S/o Ramesh Kumar Jha, R/o Vill.- Chagrahan, P.S.- Sugauli,  
District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Neelam Devi, W/o Alok Kumar Jha, D/o Prabhakar Mishra, At present  
Residing at Prem Nagar, Ward No. 6, P.S.- Sugauli, District- East  
Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Bharat Lal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

5      17-04-2019                      Heard.

The present application has been filed for  
modification of the order dated 18.04.2016 passed in Cr. Misc.  
No.16604 of 2016 to the extent that the provisional anticipatory  
bail granted to the petitioner be confirmed.

The factual matrix of the case is that the petitioner



preferred application for grant of anticipatory bail in a case registered for the offences punishable under Sections 498A/34 of the IPC and under Sections 3/4 of the Dowry Prohibition Act.

The basic accusation against the petitioner is of torture for non-fulfillment of dowry demand.

The petitioner has been granted provisional anticipatory bail for one year on the submission that the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect that has been made in paragraph no.10 of the main petition which reads as follows:

“10. That the petitioner has all along been ready to keep his wife with full dignity and it was the informant who has never visited her Sasural till date.”

It was submitted that the petitioner has filed Matrimonial Case No.56 of 2016 for restitution of conjugal rights before the Family Court, Motihari. The learned Court below was supposed to issue notice to the complainant for her appearance and on her appearance, the petitioner had to take the complainant 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 complainant fails to appear before the learned Court below or



(iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by the learned counsel for the petitioner that the petitioner is appearing personally before the learned Court below on each and every date for last two years but the complainant has only appeared once and she failed to comply with the direction of the learned Court below. It is further submitted that the petitioner is still ready to keep the complainant as his wife with full dignity and honour.

It appears that vide order dated 01.08.2018, notices were issued to O.P. No.2 but considering the office note dated 04.12.2018 which reflected that since the O.P. No.2 went outside hence house service was effected, this Court vide order dated 12.12.2018 treated the notices issued to O.P. No.2 as deemed valid service. Today also none appears on behalf of the O.P. No.2 when the case is called out.

In the circumstances, the provisional anticipatory bail granted to the petitioner vide order dated 18.04.2016 passed in Cr. Misc. No.16604 of 2016 is hereby extended till 30.05.2019.

The learned Court below will confirm the provisional anticipatory bail of the petitioner if the complainant fails to appear before the learned Court below.



Accordingly, the modification application is disposed  
of.

**(Dinesh Kumar Singh, J)**

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