

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43565 of 2018

In
CRIMINAL MISCELLANEOUS No.45767 of 2015

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

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Dhiraj Kumar Son of Mithilesh Singh, Resident of Village- Khoksa Bujurg,
Police Station- Desari, District- Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Priti Singh, Daughter of Shivvansh Prasad Singh, Resident of Village-
Kharika, Police Station- Bidupur, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.
For the Opposite Party/s : Mr.Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2019 None appears for the petitioner. However, Mr.

Shravan Kumar, learned Senior counsel appears for the

O.P. No. 2.

The present application has been filed for
modification of the order dated 10.5.2016 passed in Cr.
Misc. No. 45767 of 2015 to the extent of confirmation
of provisional bail of the petitioner.

It appears that the petitioner preferred Cr.
Misc. No. 45767 of 2015 with a prayer for anticipatory
bail in a case registered for the offences punishable
under Sections 307,313 and 498/34 of the IPC and
Sections 3 and 4 of Dowry Prohibition Act.



The basic accusation is that the O.P. No. 2 was married with the petitioner but subsequently torture was inflicted and attempt on life of the O.P. No. 2 was made, as a result, her pregnancy got terminated.

It was submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour. Statement to that effect was made in paragraph 17 of the bail petition.

Considering the aforesaid stand, the petitioner was granted provisional anticipatory bail for six months vide order dated 10.5.2016. The provisional bail was to be confirmed by the learned court below on appearance of the informant in three eventualities - (i) on substantial restoration of matrimonial harmony, (ii) or if the informant gets reluctant to reconcile the issue, and (iii) or if the informant fails to appear before the learned court below.

However, the provisional bail has not been confirmed and hence, the present application has been preferred by the petitioner. This Court vide order dated 8.8.2018 issued notice to O.P. No. 2 and it was ordered



not to take any coercive step against the petitioner in the meantime.

A counter affidavit has been filed on behalf of O.P. No. 2, wherein it has been stated that in compliance of the order dated 14.9.2017 passed by the learned Sessions Judge in Cr. Misc. No. 43 of 2017, which was preferred by the O.P. No. 2 for cancelling the bail bond of the petitioner or to direct the petitioner to keep her with full dignity and honour. The O.P. No. 2 went to the house of the petitioner and found that he has performed marriage with some other lady and thereafter when she raised objection, O.P. No. 2 was threatened by the petitioner not to disclose these facts to the Court. Specific averments have been made in paragraph 12 and 13 of the counter affidavit that the petitioner has performed second marriage with one Ratna Kumari, daughter of Dharm Nath Singh, resident of village – Gospur, Bariyarpur, P.S. Rajapakar, District – Vaishali. Paragraph nos. 12 and 13 of the counter affidavit read as follows:

“12. That in compliance of the order of the learned Session Judge Dated 14.9.2017 passed in Cr Misc No 43 of 2017 the opposite party no 2



went to her sasural. The opposite party found second wife of the petitioner in the house. She raised her concern. The father of the petitioner persuaded the opposite party to live both of them as sisters. Subsequently the opposite party no 2 was threatened not to disclose about the second wife to the court. As per order the opposite party was brought to the court of learned sessions judge on 25.9.2017 and was allowed to go to her parents till the petitioner made efforts to take his wife to delhi. The petitioner had no bonafide intention as such the efforts made by the learned session judge to conciliate and ensure matrimonial relationship failed.

13. That it is submitted that the opposite party No.2 learnt from her sources that the petitioner has already performed his second marriage with one Ratna Kumari, Daughter of Dharm Nath Singh, resident of village – Gospur-Bariyarpur, Police Station Rajapakar, District Vaishali.”

In view of the above facts and circumstances, this Court is not inclined to entertain the modification application keeping in view the fact that the period of provisional bail got lapsed on 9.11.2016 but the modification application has been registered on 18.7.2018.



This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

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