

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56109 of 2019

In
CRIMINAL MISCELLANEOUS No.38299 of 2016

Arising Out of PS. Case No.-197 Year-2015 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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DIPAK KUMAR, Son of Raj Kumar Mahto, Resident of Village-Koenda, P.S-Ariyari, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari, Wife of Dipak Kumar, Resident of Village-Koenda, P.S-Ariyari, District-Sheikhpura, at present resident of Daughter of Jayram Prasad Verma resident of village-Chandi, P.S-Ariyari, District-Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for modification of the order dated 01.09.2016, passed in Criminal Miscellaneous No. 38299 of 2016 to the extent of confirming the provisional bail granted to the petitioner.

The petitioner, being the husband of the complainant, was granted provisional anticipatory bail for six months, in connection with a complaint case, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal



Code and Sections 3/4 of the Dowry Prohibition Act, on the basis of submission of learned counsel for the petitioner and statement made in paragraph no.11 of the bail petition to the effect that the petitioner is ready to keep the complainant as wife with full dignity and honour. The learned Court below was supposed to issue notice to the complainant for her appearance and on appearance of the complainant, the petitioner was 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 though the bail bonds of the petitioner has now been cancelled, but the issue has been reconciled between the parties.

Considering the fact that the provisional anticipatory bail of the petitioner got lapsed on 1st of March, 2017 and now the bail bonds of the petitioner has been cancelled, this Court is not inclined to modify the earlier order. However, keeping in



view of the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour, let the learned Court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned Court below within a period of four weeks in connection with Complaint Case No.197 C of 2015, pending before the learned SDJM, Sheikhpura.

Accordingly, the modification application stands disposed of.

(Dinesh Kumar Singh, J)

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