

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53741 of 2019

In
CRIMINAL MISCELLANEOUS No.44430 of 2016

Arising Out of PS. Case No.-206 Year-2016 Thana- GRIYAK District- Nalanda

Subhash Kumar, Son of Sri Ramanand Prasad Resident of Village - Sinduri,
P.S.- Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari Wife of Sri Subhash Kumar Daughter of Sri Yogendra Prasad,
Resident of Village - Gharahim, P.O. and P.S.- Griyak, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Prasad Singh
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for
modification of order dated 18.10.2016 passed in Cr. Misc. No.
44430 of 2016 to the extent of confirmation of provisional
anticipatory bail granted to the petitioner.

The factual matrix of the case would unveil that the
petitioner, being the husband of the informant, preferred Cr.
Misc. No. 44430 of 2016 in a case registered for the offences
punishable under Sections 498A, 494 of the Indian Penal Code
and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment



of the dowry demand and performing second marriage.

On submission of learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect was made in paragraph 7 of the main petition and further statement being made in paragraph 3 of the supplementary affidavit to the effect that the petitioner has not performed second marriage, the petitioner was granted provisional anticipatory bail for six months, vide order dated 18.10.2016 and learned Court below as directed to issue notice to the informant and on her appearance, the petitioner was supposed to take the informant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the informant gets reluctant to reconcile the issue or (iii) if the informant fails to appear before the learned Court below.

It appears that earlier also, petitioner preferred Cr. Misc. No. 25238 of 2018 for modification of order dated 18.10.2016 passed in Cr. Misc. No. 44430 of 2016 to the extent of extending the period of provisional bail, but such prayer was declined vide order dated 02.05.2018 and said application was disposed of, since the period of provisional anticipatory bail had



lapsed much prior to the filing of the modification application, moreover, vide order dated 02.06.2017, the bail bond of the petitioner was cancelled in connection with Giriyak P.S. Case No. 206 of 2016.

It is submitted by learned counsel for the petitioner that the issue could not be resolved due to apathetic attitude of the informant.

Considering the fact that the period of provisional anticipatory bail got lapsed on 17.10.2017, whereas the present modification has been registered on 26.08.2019, moreover, the bail bond of the petitioner has already been cancelled, this Court is not inclined to modify the earlier order.

However, keeping in view the fact that the petitioner is still ready to keep the informant with dignity and honour and ready to reconcile the issue, it is expected from the learned Court below to make effort to mediate the issue and consider the prayer for regular bail of the petitioner keeping in view the fact that the petitioner has remained on anticipatory bail for considerable period and no useful purpose will be served, if the petitioner is sent to custody, without being prejudiced by the order of this Court, if the petitioner surrenders within a period of six weeks from today in connection with Giriyak P.S. Case No.



206 of 2016, pending in the Court of learned Sub-divisional
Judicial Magistrate, Nalanda at Bihar Sharif.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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