

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46752 of 2019

In
CRIMINAL MISCELLANEOUS No.37628 of 2018

Arising Out of PS. Case No.-61 Year-2017 Thana- MAHILA PS District- Khagaria

Niraj Kumar Son of Sri Jagdish Tiwari Resident of Village - Kulhariya, P.S.-
Parbatta, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murli Manohar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-08-2019 The present application has been filed for
modification of order dated 29.06.2018 passed in Cr. Misc. No.
37628 of 2018 to the extent of confirmation of provisional
anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant,
preferred Cr. Misc. No. 37628 of 2018 with a prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 498A/34 of the Indian Penal Code and Sections
3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment
of further dowry demand of a Bolero vehicle. It is also alleged
that the petitioner administered some medicine to the informant
for getting her pregnancy terminated.

On submission of 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 being made in paragraph 11 of the main petition, and further statement to the effect that Matrimonial Suit No. 95 of 2017 has been filed for restitution of conjugal rights, the petitioner was granted provisional anticipatory for six months vide order dated 29.06.2018 passed in Cr. Misc. No. 37628 of 2018. However, the learned Court below was supposed to issue notice to the informant and on her appearance was further supposed to make efforts to reconcile the issue between the parties. The provisional bail was to be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned Court below, or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue has not been reconciled due to the apathetic attitude of the informant and the petitioner is still ready to reconcile the issue.

Considering the fact that the period of provisional anticipatory bail got lapsed on 28.12.2018, whereas the present modification application has been registered on 26.07.2019 and



the fact that the application filed by the petitioner before the learned Court below for confirmation of provisional anticipatory bail has been rejected and the said order has not been challenged, this Court is not inclined to modify the order dated 29.06.2018 passed in Cr. Misc. No. 37628 of 2018.

However, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Khagaria Mahila P.S. Case No. 61 of 2017, pending in the Court of learned SDJM, Khagaria.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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