

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10243 of 2018

In
CRIMINAL MISCELLANEOUS No.21163 of 2016

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

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Kishori Sharan Choudhary, Son of Satya Narayan Choudhary, Resident of
Village- Pathalgara, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Saroj Kumari Choudhary, Wife of Kishori Sharan Choudhary, Daughter of
Upendra Choudhary, Resident of Village- Mantha, P.S.- Ladaniya, District-
Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Sri Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for
modification of order dated 12.05.2016 passed in Cr. Misc. No.
21163 of 2016 to the extent of confirmation of the provisional
anticipatory bail.

The petitioner, being the husband of the informant,
preferred Cr. Misc. No. 21163 of 2016 with a prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 379, 498A 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.

On submission of learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour and statement to that effect made in paragraph 16 of the petition and also the petitioner filed Matrimonial Suit No. 138 of 2015 for the restitution of the conjugal life, the petitioner was granted provisional anticipatory bail vide order dated 12.05.2016 for one year when learned Court below was supposed to notice to the informant and on her appearance the petitioner was supposed to take the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities (i) on substantial restoration of the matrimonial harmony within a period of one year or (ii) if the informant fails to appear before the learned Court below or (iii) if the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the provisional bail has not been confirmed since the informant did not appear before the learned Court below as she is residing in Nepal.



Considering the fact that the period of provisional anticipatory bail got lapsed on 11.05.2017 whereas the present modification application has been registered on 20.02.2018, this Court is not inclined to interfere.

However, keeping in view the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour, 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 Ladaniya P.S. Case No. 130 of 2015, pending in the Court of learned Chief Judicial Magistrate, Madhubani.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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