

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10525 of 2020

In
CRIMINAL MISCELLANEOUS No.37256 of 2016

Arising Out of PS. Case No.-407 Year-2015 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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RANJEET RANJAN S/o Late Mahendra Ram R/o village- Nawada, P.O.-
Tilakpur, P.S.- Sultanganj, District- Bhagalpur. At present R/o Mohalla-
Purabsarai, Chaudhary Bhawan, Chaturbhuj Sahay Road, P.S.- Kotwali,
District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mala Kumari W/o Sri Ranjeet Ranjan, D/o Sri Bino Ram R/o village-
Bhadasi, P.O.- Bhadasi, P.S.- Korma, District- Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Heard learned counsel for the petitioner and the
State.

The present application has been filed for
modification of the order dated 29.08.2016, passed in Cr. Misc.
No. 37256 of 2016, to the extent of confirming the provisional



anticipatory bail of the petitioner.

The petitioner had preferred Cr. Misc. No. 37256 of 2016 with a prayer for anticipatory bail in a complaint case filed with accusation under Sections 498A, 323, 504, 379 and 406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, whereby on the basis of statement recorded in paragraph no. 11 of the petition to the effect that the petitioner is ready to take the complainant to her matrimonial house to keep her as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for six months when the learned Court below was directed to issue notice to the complainant and on her appearance 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) 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 appears from the order of learned SDJM, Sheikhpura dated 08.03.2017, passed in Complaint Case No. 407 of 2015 that on a couple of occasions, the petitioner did take the complainant with him, but he left the complainant on



the way and the issue could not be reconciled due to his own latches and default, as a result the learned Court below refused to confirm the provisional bail of the petitioner.

However, learned counsel for the petitioner submits that subsequently, on 29.07.2019, the complainant filed an application before the learned Court below for withdrawing the complaint case, as the issue has been compromised between the parties. It is further submitted that at present, the complainant is residing with the petitioner and she is expecting a baby.

Considering the fact that the provisional anticipatory bail was granted to the petitioner on 29.08.2016 and it appears that the provisional anticipatory bail of the petitioner was not confirmed by the learned Court below, due to latches on the part of the petitioner, the issue could not be reconciled, at present, the modification application is not maintainable.

However, in view of the specific statement made on affidavit that the complainant is residing with the petitioner and the issue having been reconciled between the parties, the learned Court below will consider the prayer for regular bail of the petitioner, on appearance of the petitioner and the complainant within a period of six weeks of resumption of court proceeding in physical mode and dispose of the same preferably on the



same day.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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