

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38795 of 2021

Arising Out of PS. Case No.-46 Year-2018 Thana- THAKURGANJ District- Kishanganj

PRIYAM BEGUM @ PRITHAM BEGUM Wife of Md. Sanjeet Alam
Resident of Village- Jharbari, Ward No.07, P.S.- Thakurganj, District-
Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Sanjeet Alam Son of Lal Mohammd Resident of Village- Jharbari, Ward No.-07, P.S.- Thakurganj, District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 27-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks cancellation of bail of O.P. No.
2, Md. Sanjeet Alam, in connection with Thakurganj P.S. Case
No. 46 of 2018 registered for the offence under Sections
498A, 504 and 506 of the Indian Penal Code and Section 3/4
of the Dowry Prohibition Act.

The case relates to assault and torture with cruelty
on the account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner
submits that the opposite party No.2, who happens to be
husband of the petitioner, had been granted provisional



anticipatory bail for a period of six months by a co-ordinate Bench of this Court vide order dated 06.08.2019 passed in Cr. Misc. No. 48805 of 2019 on the ground that he will keep the petitioner-wife with full honour and dignity with observation that the court below shall confirm his bail bonds after satisfying that both the parties are leading their life peacefully. He further submits that now the conduct of opposite party No. 2 is not satisfactory to the petitioner and he is not keeping the petitioner with full honour and dignity and she is being subjected to torture and harras at the instance of opposite party No.2. Hence, the bail bonds of the opposite party No.2 may be canceled.

Though notices were issued and validly served upon O.P. No.2, no one turns to address the Court on his behalf. However, learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that charge has been framed against the opposite party No.2 and trial has began now.

Considering the facts and circumstances of the case, this Court does not find any ground for cancellation of bail bonds of opposite party No.2, that too after almost three years as the order granting bail to the O.P. No.2 is of



06.08.2019. Accordingly, this application stands dismissed being devoid of any merit.

This Court felt compelled to observe that relationship of husband and wife should not be the subject matter of threat of Court. The Courts of law while allowing bail to the husband keeps a lenient and broader view in order to restore the conjugal life of the husband and wife as both are the creature of society. The Courts are not meant for imposing punishments for the offences related to matrimonial disputes only rather to ensure fundamental rights of the wife and husband. Therefore, in order to establish Matrimonial harmony between two, the door of Courts should not be frequently knocked as it amounts to abuse of process of law.

(Rajesh Kumar Verma, J)

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