

Kunkun Sah vs The State Of Bihar on 19 April, 2017

Author: Dinesh Kumar Singh

Bench: Dinesh Kumar Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16739 of 2017

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Kunkun Sah

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-04-2017

Heard learned counsel for the petitioner and the State.

The present application has been filed for modification of the order dated 25.08.2015 passed in Criminal Miscellaneous No.34272/2015 in connection with Patahi P.S. Case No.17/2015, pending before the learned SDJM, Sikrahana, Motihari, East Champaran, registered under sections 323, 406 and 498A/34 of the Indian Penal Code and Sections 12 (1), 19 and 20 of The Protection of Women from Domestic Violence Act, 2005. The petitioner being the husband of the informant was granted provisional anticipatory bail for one year, on submission that he is ready to keep the informant as wife with full dignity and honour. The provisional anticipatory bail of petitioner was to be confirmed by the learned Court below in three eventualities :

(i) if the matrimonial harmony is substantially restored (ii) or if the informant fails to appear before the learned Court below or

(iii) if the informant gets reluctant to reconcile the issue.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that due to communication gap the petitioner could not surrender and he is 71 years of age.

Since the period of provisional bail got lapsed on 24.08.2016, and the present modification application has been registered on 03.04.2017, this Court is not inclined to interfere. But keeping in view of the advance age of the petitioner and the nature of accusation, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks and preferably dispose of the bail application on the same day.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J) Ashwini/-

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