

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15160 of 2015

=====

Chandra Shekhar Azad @ Chandra Shekhar Prasad Son of Krishna Prasad
resident of village - Sirsia Bigha, P.O. Kathauli, P.S. Noorsarai, District -
Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruby Devi Wife of Chandra Shekhar Azad resident of village - Sirsia
Bigha, P.O. Kathauli, P.S. Noorsarai, District - Nalanda, at Present d/o
Jai Shankar Prasad, resident of village & P.O. Kachharia, P.S. Chandi,
District - Nalanda

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Narsingh Tanti(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 01-07-2015

The present application has been filed for
modification of order dated 19.03.2014 passed in Cr. Misc. No.
1512 of 2014 for confirming the provisional anticipatory bail
granted to the petitioner in connection with Complaint Case No.
36C of 2013 wherein processes were directed to be issued after
cognizance being taken for the offences punishable under Sections
498A, 341, 323 of the Indian Penal Code and 4 of Dowry
Prohibition Act pending in the court of learned Sub-divisional

Judicial Magistrate, Hilsa, Nalanda.

The provisional anticipatory bail was granted to the petitioner on the readiness of the petitioner to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner took the complainant to matrimonial home but subsequently she refused to reside with the petitioner.

It is submitted by learned counsel for the complainant that the order dated 13.03.2015 of learned court below reflects that the petitioner has performed second marriage during pendency of the present proceeding and when the permanent alimony was demanded then the petitioner shown his inability to pay the same.

In the circumstances above, this Court is not inclined to entertain the present modification application. Accordingly, this modification application is disposed of.

Let the learned court below consider the

prayer for regular bail of the petitioner, if he surrenders within a
period of six weeks from today.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--