

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13678 of 2015

=====

Vimal Kishore Jaiswal Son of Late Kailash Jaiswal, Resident of village-
Gandhi Chowk, Ward No. 17 in front of Nagar Parishad Sitamarhi, P.S. +
District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Devi, W/O Vimal Kishore Jaiswal, D/O Late Khaheru Chowdhary,
at present R/O village- Bairginia, Lohapatti Main Road, W. No. 14, P.S.
Bairginia, District- Sitamarhi

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. M.Haque(App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 22-07-2015

Heard learned counsels for the petitioner,

State and the complainant.

The present application has been filed for
modification of order dated 18.02.2015 passed in Cr. Misc. No.
39153 of 2014 to the extent that the wrong statement was made
that the petitioner wants to keep the complainant as wife with
dignity and honour.

The petitioner being the husband of the
complainant has been made accused in Complaint Case No.
C-1/1728 of 2013 wherein processes were directed to be issued
after cognizance being taken for the offences punishable under
Sections 498A of the Indian Penal Code and 4 of Dowry

Prohibition Act, pending in the court of learned CJM, Sitamarhi.

The basic accusation is of torture for non-fulfillment of the dowry demand.

On submission of learned counsel for the petitioner that though the petitioner filed matrimonial suit for divorce at earlier point of time but he is still ready to keep the complainant as wife with full dignity and honour and the offer being accepted by the complainant, the provisional anticipatory bail was granted to the petitioner for one year. The provisional bail was to be confirmed by the learned court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored within one year (ii) or the complainant fails to appear before the learned court below (iii) or she gets reluctant to reconcile the issue.

The learned counsel for the petitioner submits that wrong submission was made at earlier stage that petitioner is ready to keep the complainant as wife with dignity and honour.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life.

Considering the fact that on the submission

of learned counsel for the petitioner earlier order was passed and now contrary statement is being made that since the matrimonial suit was filed at earlier point of time the petitioner is not ready to keep the complainant, this Court is not inclined to entertain the present modification application.

Let the learned court below consider the prayer for regular bail of the petitioner, if the surrenders within a period of six weeks from today.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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