

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20627 of 2015

1. Pradeep Kumar S/o Late Gaya Singh r/o Vill - Talbadra, P.S. - Akbar,
Distt. Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sindhu Kumari wife of Pradeep Kumar Resident of Village : Telbhadro,
Police Station : Akbarpur, District - Nawadah At present Sindhu
Kumari, Resident of Village : Karisowa, Police Station Wazirganj,
District : Gaya, Pincode - 805131.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad
For the Opposite Party/s : Mr. T.N.Thakur (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 02-09-2015

The present modification application has been filed for confirmation/extension of provisional anticipatory bail granted to the petitioner for one year vide order dated 23.07.2012 passed in Cr. Misc. No. 24812 of 2012 in a case registered for the offences punishable under Sections 323, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The provisional bail was granted to the petitioner on readiness to keep the informant as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed within one year by the learned Court below if the matrimonial harmony is substantially restored or if the

informant deliberately refuses to reside with the petitioner.

The notices were issued to the informant/O.P. No. 2 in the present modification application vide order dated 06.05.2015 and again fresh notices were issued vide order dated 01.07.2015 and thereafter vide order dated 21.08.2015 the notices issued to O.P. No. 2 were treated to be a deemed valid service since informant/O.P. No. 2 refused to receive notices.

It is submitted by learned counsel for the petitioner that matrimonial harmony could not be restored due to the latches on the part of the informant.

Considering the fact that for modification of the order dated 23.07.2012, the present modification application has been filed on 29.04.2015 much after expiry of the period of provisional anticipatory bail, this Court is not inclined to modify the earlier order.

Let learned Court below consider the prayer for regular bail of the petitioner keeping in view of the fact that petitioner has enjoyed the privilege of provisional anticipatory bail for considerable period, the petitioner is still ready to keep the informant with dignity and honour, informant is not interested to reconcile the issue as she is not appearing in spite of valid service of notice and no useful purpose will be served at this stage by putting the petitioner in custody, if the petitioner surrenders within a period of six weeks in connection with

Akbarpur P.S. Case No. 16 of 2012, pending in the Court of learned Chief Judicial Magistrate, Nawadah.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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