

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20991 of 2015

Arising Out of PS.Case No. -171 Year- 2012 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Arvind Pal Son of Baban Pal resident of village and P.O. Akorhi, P.S.
Akorhi Gola, District - Ramgarh

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi D/o Suresh Pal resident of village - Bhusahula, P.S.
Darihat, District - Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Smt. Asha Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 29-07-2015

Learned counsel for the petitioner is
permitted to make necessary correction.

The petitioner being the husband of the
complainant has filed the present application for modification of
the order dated 24.04.2014 passed in Cr. Misc. No. 35625 of 2013
for confirmation of provisional bail. The petitioner was granted
provisional anticipatory bail for one year in Complaint Case No.
171 of 2012 wherein processes were directed to be issued after



cognizance being taken for the offences punishable under Sections 323 and 498A of the Indian Penal Code, pending in the court of learned Sub-divisional Judicial Magistrate, Sasaram. The provisional anticipatory bail was to be confirmed by the learned court in two eventualities:- (i) on substantial restoration of matrimonial harmony between the parties within a period of one year (ii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to order of this Court the petitioner took the complainant to matrimonial house on 28.04.2014 but on 21.06.2014 she got severe abdominal pain consequentially she was admitted in hospital where she was found carrying pregnancy of 18 weeks. The petitioner has also filed Matrimonial Suit No. 193 of 2014 on 30.08.2014 for divorce.

This Court is not inclined to interfere since the period of provisional bail has already lapsed on 23.04.2015 whereas the present application has been filed on 01.05.2015.

Let the learned court below consider the prayer for regular bail of the petitioner without being prejudiced by this order of this Court keeping in view of the fact that the petitioner was granted provisional anticipatory bail and preferably dispose of the same on the same day.

With this observation, this application is

disposed of.

(Dinesh Kumar Singh, J)

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