

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9650 of 2015

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Imran Hashmi @ Laddu Son of Islam Mian Resident of Village -
Paigamberpur, Police Station - Baniapur, District - Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Nasima Khatoon @ Sima Khatoon W/o Imran Hasmi @ Laddu D/o
Late Hakim, Village – Bhikhabandh, P.O. Bhikhabandh, P.S. Daraunda,
District – Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. A.A.Khan (App)

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

03/ 24-06-2015

The present application has been filed for modification of order dated 11.01.2013 passed in Cr. Misc. No. 48359 of 2012 for confirmation of the provisional anticipatory bail granted to the petitioner in connection with Complaint Case No. 1617 of 2012 wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code and 4 of Dowry Prohibition Act, pending in the court of learned Sub-divisional Judicial Magistrate, Siwan. The petitioner being the husband of the complainant was granted provisional anticipatory bail for one year on undertaking that he is ready to keep the complainant as wife with full dignity and honour. The provisional bail was to be

confirmed by the learned court below on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the complainant though appeared before the learned court below but no effort was made by either side for reconciling the issue. The petitioner is still ready to keep the complainant as wife with full dignity and honour.

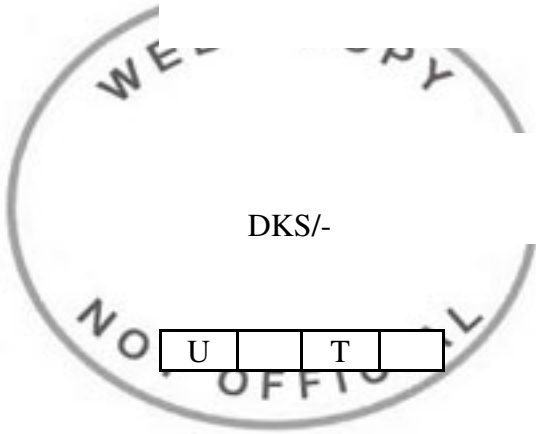
It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner since the petitioner has performed second marriage. The same is being denied by the learned counsel for the petitioner.

Considering the fact that the petitioner was granted provisional anticipatory bail vide order dated 11.01.2013 for one year whereas this modification application has been filed in March, 2015, 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 keeping in view of the present stand of the petitioner that he is still ready to keep the complainant as wife with full dignity and honour and denies to

have performed second marriage.

Accordingly, this application is disposed of.



(Dinesh Kumar Singh, J)