

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38064 of 2015

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Ali Hussain Ansari @ Ali Hussain son of Munna Ansari, Resident of
village- Banchauri, P.S.- Dumra, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Amit Kr. Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-08-2015

The present application has been filed for
modification of order dated 27.02.2013 passed in Cr. Misc. No.
3678 of 2013 for confirmation of the provisional bail.

The petitioner being the husband of the
complainant was granted provisional anticipatory bail for one year
in connection with Complaint Case No. C-1/737 of 2012 wherein
processes were directed to be issued after cognizance being taken
for the offences punishable under Section 498A of the IPC,
pending in the court of learned SDJM, Sadar, Sitamarhi. The
provisional bail was granted to the petitioner on submission of the
learned counsel for the petitioner that the petitioner 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 if

the matrimonial harmony is substantially restored or if the complainant deliberately refuses to reside with the petitioner.

The modification has been sought for on the ground that the matrimonial harmony could not be restored due to the laches on the part of the complainant.

Considering the fact that the petitioner was granted provisional anticipatory bail for one year on 27.02.2013 which expired on 26.02.2014 whereas the present modification has been filed on 13.08.2015, this Court is not inclined to entertain the present modification application.

However, let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the fact that the petitioner has enjoyed the privilege of provisional anticipatory bail for considerable period and at this stage no useful purpose will be served by putting the petitioner under custody. Moreover, it is expected that the learned court below will expedite the trial.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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