

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38387 of 2015

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Dr. Mukesh Kumar Singh @ Mukesh Kumar

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2015

The present modification application has been filed for confirmation of provisional anticipatory bail granted to the petitioner for one year vide order dated 05.09.2012 passed in Cr. Misc. No. 21139 of 2012 in a complaint case filed with accusation wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 of the Indian Penal Code and Section 3/4/5 of the Dowry Prohibition Act.

The provisional bail was granted on readiness of the petitioner to keep the complainant 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 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 due to the apathetic attitude of the complainant the issue could not be reconciled and petitioner is still ready to

keep the complainant with dignity and honour.

Considering the fact that for modification of the order dated 05.09.2012, the present modification application has been filed on 14.08.2015 much after expiry of the period of provisional 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 the stand of the petitioner and the fact that petitioner is ready to reconcile the issue and has enjoyed the privilege of anticipatory bail for a considerable period, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 692(C) of 2010, pending in the Court of learned Sub-Divisional Judicial Magistrate, Lakhisarai.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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