

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38377 of 2015

=====

1. Prabhat Kumar @ Prabhat Kumar Singh S/o Sri Ramjeet Singh R/o Mohalla -Shekhpur Akharaghat, P.s Ahiyapur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha kumari w/o Prabhat Kumar@Prabhat Kumar Singh& D/o Sri Rajnarayan Prasad Singh R/o Mohalla- Shekhpura Akharaghat ,P.s Ahiyapur, District Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 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 26.09.2013 passed in Cr. Misc. No. 26132 of 2013 in a case registered for the offences punishable under Sections 147, 323, 341, 498A, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The provisional bail was granted to the petitioner being husband of the informant 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 in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the informant gets reluctant to reconcile the issue or (iii) if the

informant fails to appear before the learned Court below.

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 26.09.2013, the present modification application has been filed on 14.08.2015 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 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 Ahiyapur P.S. Case No. 37 of 2010(G.R. No. 301 of 2010), pending in the Court of learned Sub-Divisional Judicial Magistrate, East, Muzaffarpur.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--