

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37693 of 2013

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1. Om Prakash Yadav Son Of Ram Krti Yadav, Resident Of Vill - Nirpur,
P.S.- Goh, District - Aurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 12-08-2015

The present modification application has been filed for extending the period of provisional anticipatory bail granted to the petitioner for one year vide order dated 26.03.2012 passed in Cr. Misc. No. 8828 of 2012 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and Section 3/4 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 when both sides agreed to appear before learned Court below on 16.04.2012 when the petitioner was to take the complainant to her matrimonial house to keep her 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 (ii) if the complainant deliberately refuses to reside with the petitioner (iii) if the complainant fails to appear before learned Court below.

Considering the fact that for modification of the order dated 26.03.2012, the present modification application has been filed on 02.09.2013 much after expiry of the period of provisional bail and in the meantime bail bonds of the petitioner has already been cancelled, hence 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 both sides agreed to reconcile the issue and the fact that petitioner has remained on provisional anticipatory bail for one year, if the petitioner surrenders within a period of one year in connection with Complaint Case No. 181 of 2011, Trial No. 1128 of 2011, pending in the Court of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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