

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8540 of 2015

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Prabhu Bhagat Son of Sugdeo Bhagat @ Sukhdeo Bhagat Resident of
village - Singhyaban, P.S. Kishanpur, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Shayama Devi D/o Natho Bhagat Resident of village - Bariyahi Bazar,
P.S. Bangoan, Distt. - Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Rajiv Nayan(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 09.10.2013 passed in Cr. Misc. No. 34351 of 2013 for confirming the provisional anticipatory bail granted to the petitioner in connection with Complaint Case No. 1437C of 2009 wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code. 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 in three eventualities (i) if the matrimonial harmony is substantially

restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour but due to the non-appearance of the complainant the issue could not be reconciled. Though, the bail bond of the petitioner has still not been cancelled.

It is submitted by learned counsel for the complainant that the complainant is ready to reconcile the issue but due to the apathy attitude of the petitioner the issue could not be reconciled.

In the circumstances, this Court is not inclined to entertain the present modification application. But keeping in view of the present stand of the parties, the learned court below may consider the prayer for regular bail of the petitioner if the petitioner gives undertaking on affidavit that he is ready to keep the complainant as wife with full dignity and honour.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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