

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19514 of 2014

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1. Md. Kalam Ansari Son of Late Latif Ansari Resident of Village Momin
tola Baigachhi, P.S and District- Araria.

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Tarnanum W/o Md. Kalam Ansari Resident of Village Momin Tol,
Baigachhi, P.S- Araria, District- Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anil Prasad Singh

For the Opposite Parties : Mr. Shardanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 13-05-2015

The present application has been filed for modification of the order dated 15.04.2013 passed in Cr. Misc. No. 1116 of 2013, wherein the petitioner was granted provisional anticipatory bail for one year on readiness of the petitioner to appear before learned Court below and take the complainant to her matrimonial house to keep her as wife with full dignity and honour in connection with Complaint Case No. 3060C of 2011 wherein processes were directed to be issued after cognizance being taken under Sections 379 and 498A of the Indian Penal Code. The provisional bail of the petitioner was to be confirmed by learned Court below on substantial restoration of matrimonial harmony or if the complainant deliberately refused to reside with the petitioner.

I.A. No. 2311 of 2014 has been filed for setting aside the order dated 07.05.2014 passed by learned Sub-Divisional Judicial Magistrate, Araria in connection with

the present case, whereby the bail bonds of the petitioner have been cancelled.

It is submitted by learned counsel for the petitioner that though matrimonial harmony could not be restored due to the apathetic attitude of the complainant but petitioner is still ready to keep the complainant with full dignity and honour. Learned counsel for the complainant, on instruction submits that complainant is ready to accept the offer of the petitioner.

Considering the fact that the period of provisional bail has expired and the bail bonds of the petitioner has been cancelled, this Court is not inclined to interfere.

Accordingly the present modification application as well as I.A. No. 2311 of 2014 are disposed off with liberty to the learned Court below to consider the prayer for regular bail/provisional bail to the petitioner and take some sincere effort to reconcile the issue, keeping in view of the present stand of the parties, if the petitioner surrenders within a period of four weeks and pray for regular bail.

(Dinesh Kumar Singh, J)

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