

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51945 of 2014

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1. Anand Mishra son of Mahesh Mishra resident of mohalla - Sandalpur, Police Station - Kotwali, District - Munger, at present residing at RZG/645 Shri Chotu Ram Marg, Rajnagar Palam Colony New Delhi - 45.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rupa Kumari W/o Anand Mishra, D/o Uday Kumar Mishra R/o Birpur Ward No 1, P.S. - Birpur, District - Supaul, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachindra Kumar Tiwary

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-07-2015 Heard learned counsel for the petitioner and the state.

The present application has been filed for modification of order dated 27.8.2014 passed in Cr. Misc. No. 15493 of 2014 whereby the period of provisional bail of the petitioner was extended by six months.

The petitioner was granted provisional anticipatory bail for one year in connection with Birpur P.S. Case No. 108 of 2011 vide order dated 24.4.2013 passed in Cr. Misc. No. 45616 of 2012 on submission of learned counsel for the informant that the informant chose not to oppose the prayer for bail and both the sides undertook to appear regularly in the matrimonial case pending before the

learned Principal Judge, Family Court, Saharsa. Accordingly, the provisional bail was to be confirmed after disposal of Matrimonial Case No. 159 of 2011. The said order was modified vide order dated 27.8.2014 passed in Cr. Misc. No. 15493 of 2014 and the period of provisional bail was extended for six months.

It is submitted by learned counsel for the petitioner that the Matrimonial case was dismissed for default but now it has been restored. Hence, the prayer is made either for extending the period of provisional bail or confirming the same.

It is submitted by learned counsel for the informant that he is not opposing the prayer provided the petitioner appears regularly in the matrimonial case and get it disposed of.

Be that as it may, in the facts and circumstances of the case, this court is not inclined to prolong the present proceeding before this court. However, in case the petitioner appears before the learned court below, the learned court below will pass appropriate order for release of the petitioner on regular bail on provisional basis with undertaking that he will appear regularly in the matrimonial suit and the said provisional regular bail will be confirmed by the learned court below after disposal of the matrimonial



suit or if the matrimonial suit prolongs for an indefinite period due to laches on the part of the informant.

The modification application filed in connection with Birpur P.S. Case No. 108 of 2011 pending before the court of the learned SDJM, Birpur, Supaul is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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