

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31669 of 2014

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Md. Aslam Son of Late Wasil Resident of Village : Matihari, P.S:
Khodawandpur, District : Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Rukshana Kahtoon Wife of Md. Aslam, Daughter of Md. Quaium
Resident of Village : Matihani, P.S. Khodawandpur, District :
Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 05-08-2015

The present application has been filed for
modification of order dated 09.05.2012 passed in Cr. Misc. No.
17161 of 2012 to the extent that the petitioner's prayer for bail
be considered after resumption of the conjugal life since the
complainant has found to have pregnant during the period of
separation.

The petitioner was granted provisional
anticipatory bail for one year in connection with Complaint
Case No. 32 of 2011 1739C of 2011 wherein process was
directed to be issued after cognizance being taken for the
offences punishable under Section 323, 406, 498A/34 of the
Indian Penal Code and 4 of Dowry Prohibition Act. The



provisional anticipatory bail was granted to the petitioner on submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant with dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities if the matrimonial harmony is substantially restored within one year or the wife deliberately refuses to reside with the petitioner or the complainant fails to appear before the learned court below.

The present modification has been sought for on the ground that the complainant conceived during the period she was not residing with the petitioner.

Since the provisional anticipatory bail was granted to the petitioner vide order dated 09.05.2012 whereas the present application has been filed on 24.07.2014., this Court is not inclined to entertain the present prayer.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the fact that the petitioner has enjoyed the privilege of anticipatory bail since 17.07.2012 and petitioner make effort to conclude the trial, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1739C of 2011 pending in the court of

learned Sub-divisional Judicial Magistrate, Begusarai.

Accordingly, this modification application

is disposed of.

(Dinesh Kumar Singh, J)

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