

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32535 of 2014

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1. Md. Rahat Alam Son of Md. Noorul Islam Resident of Village -
Majrahi, P.S.- Azamnagar, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Heena Kaushan Daughter of Md. Mohsin Akhtar and Wife of Md.
Rahmat Resident of Village - Shitalmani, P.S.- Azamnagar, District -
Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Kanhaiya Kishor(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-08-2015

The present modification application has been filed for confirmation of provisional anticipatory bail granted to the petitioner for one year vide order dated 16.05.2013 passed in Cr. Misc. No. 17267 of 2013 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The provisional bail was granted on readiness of the petitioner to keep the complainant along with his ailing child at his place of employment when both sides were agreed to appear before learned Court below on 18th of June, 2013 when petitioner was to take the complainant along with his ailing child to her matrimonial home 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 on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that in pursuance to the order of this Court the petitioner made all efforts to reconcile the issue but the issue could not be reconciled due to the latches on the part of the complainant and subsequent to the present order both sides lodged other cases against each other.

It is submitted by learned counsel for the complainant that petitioner has performed second marriage though counsel for the petitioner controverts the contention of the counsel for the complainant.

Considering the fact that for modification of the order dated 16.05.2013, the present modification application has been filed on 01.08.2014 much after expiry of the period of provisional bail, 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 that petitioner is still ready to reconcile the issue and petitioner has remained on provisional bail for one year, if the petitioner surrenders within a period of one year in connection with Complaint Case No. 288 of 2012, pending in the Court of learned Chief Judicial

Magistrate, Katihar.

Accordingly the modification application is

disposed off.

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(Dinesh Kumar Singh, J)