

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37943 of 2014

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1. Jitendra Yadav Son of Khub Lal Yadav Resident of Village Kukur Bhuka Boghawan, P.S. Bhorey, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Subhawati Devi Wife of Jitendra Yadav Resident of village Baghawan Tiwari Kukur Bhuka, P.S. Bhorey, District Gopalganj. At present Daughter of Lal Bahadur Yadav, Resident of Village Baghel Pipra, Post Baghel Pipra Utra Patti, P.S. Kham Paar District Deoriya (U.P.).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani

For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-07-2015

The present application has been filed for modification of the order dated 02.07.2013 passed in Cr. Misc. No. 45866 of 2012, whereby the petitioner was granted provisional anticipatory bail for a period of one year in connection with Bhorey P.S. Case No. 138 of 2011. The petitioner was granted provisional bail on readiness of the petitioner and the informant to resume the conjugal life which was to be confirmed by learned Court below on substantial restoration of matrimonial harmony or if the informant refuses to reside with the petitioner.

The present modification application has been filed for confirmation of the provisional bail on the ground that informant is not appearing before learned Court below and petitioner is still ready to keep the informant as wife with full

dignity and honour though O.P. No. 2/informant has performed second marriage.

It is submitted by learned counsel for the informant that informant has not performed second marriage and she is ready to reconcile the issue. It is further submitted that informant is also ready for settling the issue by way of payment of permanent alimony.

Considering the fact that non-bailable warrant has been issued vide order dated 31.07.2014 by learned Chief Judicial Magistrate, Gopalganj and the same has not been challenged, this Court is not inclined to entertain the present modification application.

However, considering the aforesaid facts, let learned Court below pass appropriate order with regard to the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Bhorey P.S. Case No. 138 of 2011, pending in the Court of learned Chief Judicial Magistrate, Gopalganj.

Accordingly the modification application is disposed off.

Shageer/-

(Dinesh Kumar Singh, J)

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