

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32528 of 2014

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Mintulla @ Guddu @ Minnatullah Son of Md. Mokim Resident of Village -
Jahangirpur, Tola JHaldhari, P.S.- Singhiya, District - Samastipur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Shama Perween Daughter of Abdul Hakim Wife of Minntulla @ Guddu
Resident of Village - Siwaiya, P.S.- Singhiya, District - Samastipur (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Rajendra Nath Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 07-01-2015

The present application has been filed for modification of order dated 12.09.2013 passed in Cr. Misc. No. 24581 of 2013, whereby the petitioner being the husband of the informant was granted provisional anticipatory bail in Women P.S. Case No. 15 of 2012 registered under Sections 498A, 323, 341, 342, 504/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act pending in the court of learned Chief Judicial Magistrate, Samastipur.

The provisional bail was to be confirmed by the learned court below in three eventualities; (i) on substantial restoration of matrimonial harmony between the parties within one year (ii) or the informant fails to appear before the learned court

below (iii) or the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that opposite party no. 2 failed to appear before the learned court below and order dated 05.04.2014 as contained in Annexure-3 passed in Matrimonial Case No. 10 of 2013 suggests that the opposite party no. 2-informant refused to reside with the petitioner. Though, today the counsel for opposite party no. 2 submits that she is still ready to resume the conjugal life.

The offer is acceptable to the petitioner.

In the circumstances, let the petitioner and opposite party no. 2 appear before the learned court below on 27th of January, 2015 when the petitioner will take the opposite party no. 2 to keep her as wife with full dignity and honour.

It is submitted by learned counsel for the petitioner that the bail bond of the petitioner has not been cancelled till date.

Considering the present stand of the parties, the order dated 12.09.2013 is modified to the extent that the provisional anticipatory bail is further extended till 30th of June, 2015. The provisional bail will be confirmed by the learned court below on substantial restoration of matrimonial harmony between the parties within a period of six months or if the informant fails to

appear or if the informant is reluctant to reconcile the issue.

Accordingly, this modification application is

disposed of.

(Dinesh Kumar Singh, J)

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