

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18008 of 2015

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1. Uday Chandra Paswan Son of Sri Mukesh Lal Paswan resident of
Village- Kistipur, Ps Dhanarua, Dist- Patna

.... Petitioner

Versus

1. The State of Bihar .
2. Pinki kumari D/o Ramash Paswan resident of village- Darichak, P.s
Dhanarua, Dist- Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh

For the Opposite Parties : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 13-05-2015

The present application has been filed for modification of the order dated 09.11.2011 passed in Cr. Misc. No. 36189 of 2011, whereby the petitioner was granted provisional anticipatory bail for one year on undertaking of the petitioner to keep the informant as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by learned Court below on substantial restoration of matrimonial harmony or if the informant deliberately refused to reside with the petitioner. The order dated 09.11.2011 passed in Cr. Misc. No. 36189 of 2011 was modified vide order dated 03.04.2013 passed in Cr. Misc. No. 3060 of 2013 whereby the period of provisional bail was extended for a further period of six months since learned Court below failed to make effort to comply the order dated 09.11.2011 passed in Cr. Misc. No. 36189 of 2011.

The present modification application has

been filed on the ground that the matrimonial harmony could not be restored due to the apathetic attitude of the informant.

It is submitted by learned counsel for the petitioner that bail bonds of the petitioner has been cancelled vide order dated 13.03.2015 passed by learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna.

Considering the fact that the period of provisional bail has expired and the bail bonds of the petitioner have also been cancelled, this Court is not inclined to interfere.

Accordingly the present modification application is disposed off. However, if the petitioner surrenders within a period of four weeks from today and pray for regular bail, learned Court below will be at liberty to consider the prayer for regular bail/provisional bail to the petitioner, keeping in view of the present stand of the petitioner that petitioner is still ready to keep the informant as wife with full dignity and honour.

Shageer/-

(Dinesh Kumar Singh, J)

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