

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37616 of 2014

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Md. Shamshad Ali S/o Md. Sobrati Ali, R/o village-Khadauli, P.S.-
Chenari, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatoon, W/o Shamshad Ali, D/o Dabbir Shah, R/o Mohalla
– Mewali Tola (Alamganj), P.O. + P.S. – Sasaram (Town), District –
Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.M. Shabbir Alam

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 12-08-2015

The present application has been filed for modification of order dated 24.01.2013 passed in Cr. Misc. No. 48609 of 2012 for extension/modification of the provisional anticipatory bail granted to the petitioner in Complaint Case No. 1305 of 2010 wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of learned Sub-divisional Judicial Magistrate, Rohtas at Sasaram.

The provisional anticipatory bail was granted to the petitioner on the ground that the petitioner already filed Matrimonial Case No. 217 of 2010 for restitution of conjugal life. The provisional anticipatory bail was to be confirmed by the

learned court below on substantial restoration of the matrimonial harmony within a period of one year, or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled due to the apathetic attitude of the complainant whereas it is submitted by learned counsel for the complainant that the petitioner failed to comply the undertaking given before this Court.

Considering the fact that for modification of the order dated 24.01.2013 the present modification application has been filed on 08.09.2014 much after the lapse of period of provisional bail, this Court is not inclined to entertain the present modification application.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the fact that both sides still ready to reconcile the issue and the petitioner has remain on provisional anticipatory bail for a year.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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