

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33331 of 2014

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Bhushan Kumar Nirala s/o Late Doman Paswan , resident of Village -
Parasbigha , P.S. -KIndui, District - Jehanabad .

.... Petitioner

Versus

1. The State of Bihar
2. Awadhesh Kumar, Son of Late Siya Saran Paswan, Resident of village –
Rana Bigha, P.S. Deep Nagar, District – Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 07-01-2015

The present application has been filed for
modification of order dated 11.01.2013 passed in Cr. Misc. No.
45977 of 2013, whereby the petitioner being the husband of the
informant was granted provisional anticipatory bail for one year in
connection with Mahila (Biharsharif) P.S. Case No. 29 of 2012
registered for the offences punishable under Sections 498A of the
Indian Penal Code and Section 3/4 of Dowry Prohibition Act
pending in the court of learned Chief Judicial Magistrate, Nalanda

at Bihar Sharif.

The provisional bail was to be confirmed by the learned court below within one year on substantial restoration of matrimonial harmony or if the informant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the informant did not appear before the learned court below and subsequently died at her parents' house. Both of the informant was noticed vide order dated 10.09.2014, but it appears from the office note dated 16.12.2014 that in spite of valid service of notice none is appearing on behalf of opposite party no. 2.

After the death of the wife of the petitioner Deepnagar P.S. Case No. 37 of 2013 was registered against the petitioner under Section 306/34 of the Indian Penal Code in which the petitioner has been granted anticipatory bail vide Cr. Misc. No. 43774 of 2013. The order has been brought on record as Annexure-7.

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

Considering the aforesaid facts, the order

dated 11.01.2013 is modified to the extent that the provisional anticipatory bail of the petitioner is, hereby, confirmed.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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