

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16592 of 2014

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Vivekanand Bhagat, son of Bikrama Bhagat, resident of Village-Baliwan
Sagar Raimal, P.S.-Bishwambharpur, District-Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 12-08-2015

The present modification application has

been filed for extension of provisional anticipatory bail granted to the petitioner for one year vide order dated 28.01.2013 passed in Cr. Misc. No. 48870 of 2012 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 406, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The provisional bail was granted on readiness of the petitioner to keep the complainant as wife with full dignity and honour when both sides agreed to appear before learned Court below on 18th of February, 2013 when petitioner was to take the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed within one year by the learned Court below on substantial restoration of the matrimonial harmony or if the complainant deliberately

refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that complainant never appeared before learned Court below, hence the issue could not be reconciled, whereas it is submitted by learned counsel for the complainant that petitioner has performed second marriage which is being denied by learned counsel for the petitioner.

Considering the fact that for modification of the order dated 28.01.2013, the present modification application has been filed on 07.04.2014 much after expiry of the period of provisional bail, this Court is not inclined to modify the earlier order. But, keeping in view that both sides are ready to reconcile the issue, let learned Court below make endeavors to reconcile the issue and consider the prayer for regular bail of the petitioner, keeping in view the present stand of the parties, the fact that petitioner has remained on provisional anticipatory bail for one year and there is nothing on record to suggest that petitioner has misused the privilege of bail, if the petitioner surrenders within a period of one year in connection with Complaint Case No. 1560 of 2012, Trial No. 4607 of 2012, pending in the Court of learned Sub-Divisional Judicial Magistrate, Gopalganj.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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