

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4420 of 2015

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Sohail Akhtar son of Md. Rafiuddin Siddiqui Resident of Mohalla - New Colony Mithanpura, P.S. Mithanpura, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Kahkansha Parveen D/o Saiyad Md. Majhar, Resident of Mohalla – Ashiyana Colony, Road No. 6, Sanchi Patti, P.S. Hajipur Town, District – Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

For the Opposite Party/s : Mr. U.L.Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 18-03-2015

The present application has been filed for modification of order dated 26.09.2013 passed in Cr. Misc. No. 26028 of 2013 to the extent of confirming the provisional anticipatory bail granted to petitioner in Complaint Case No. 3818 of 2012 wherein processes have been 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 Chief Judicial Magistrate, Vaishali at Hajipur.

The petitioner was granted provisional anticipatory bail for one year on readiness of the petitioner that he will withdraw the matrimonial suit filed for divorce and is ready to

keep the complainant as wife with full dignity and honour, but now the stand is being taken by learned counsel for the petitioner that in fact the petitioner already divorced the complainant as per muslim rituals.

It appears from the order dated 26.09.2013 that the petitioner was granted provisional anticipatory bail on the submissions made by learned counsel for the petitioner, but petitioner failed to appear before the learned court below on the date fixed by this court i.e. 28.10.2013.

In the circumstances, 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 if both sides agree for parting with each other or on payment of permanent alimony.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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