

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50526 of 2014

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Raju Barnwal S/o - Binod Jee Barnwal resident of Vill. - Khidirganj, P.S. -
Sadat, District - Gazipur (U.P.).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 11-03-2015

The present application has been filed
for modification of order 24.04.2013 passed in Cr. Misc. No.
11525 of 2013, whereby the petitioner was granted provisional
anticipatory bail for one year in Complaint Case No. 2605 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 4 of Dowry
Prohibition Act.

The provisional bail was to be
confirmed by the learned court below on substantial restoration
of matrimonial harmony between the parties or the complainant

refuses to reside with the petitioner.

Subsequently, complainant filed Cr. Misc. No. 16275 of 2014 for cancellation of the bail of the petitioner on the ground that the petitioner has performed second marriage. The said application was disposed of vide order dated 17.11.2014 on the ground that the period of provisional bail has lapsed.

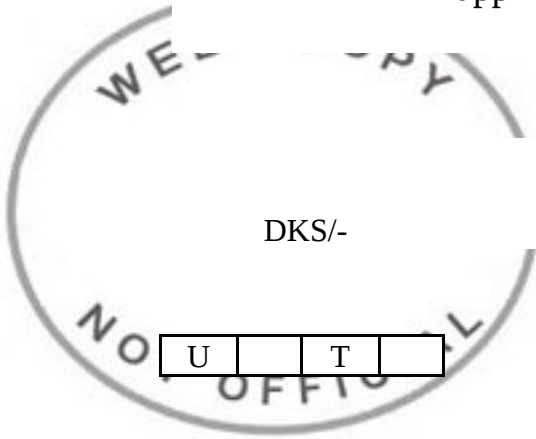
It appears that subsequently the bail bond of the petitioner has been cancelled vide order dated 07.01.2015 passed by learned Sub-divisional Judicial Magistrate, Siwan and the same has been challenged before this Court through I.A. No. 301 of 2015.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage, whereas the said fact is still controverted by the learned counsel for the complainant.

In the circumstances, this Court is not inclined to entertain the modification application as well as the interlocutory application.

Let the learned court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court.

Accordingly, this modification application is disposed of.



DKS/-

(Dinesh Kumar Singh, J)

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