

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32762 of 2015

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Md. Naushad S/o Firoz Alam Resident of Village Kutkuri, Police Station
Rafiganj, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asma Khatoon W/o Naushad Resident of Village Kutkuri, Police
Station Rafiganj, District Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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

ORAL ORDER

02/ 22-07-2015

The present application has been filed for
modification of order dated 13.09.2013 passed in Cr. Misc. No.
24836 of 2013 for confirming/extending the period of provisional
anticipatory bail.

The petitioner was granted provisional
anticipatory bail for one year on readiness to keep the informant as
wife with dignity and honour in connection with Rafiganj P.S.
Case No. 165 of 2012 registered for the offences punishable under
Sections 341, 323, 324 and 498A/34 of the Indian Penal Code
pending in the court of learned CJM, Aurangabad. The provisional
bail was to be confirmed by the learned court below in three
eventualities:- (i) if the matrimonial harmony is substantially
restored or (ii) if the informant deliberately refuses to reside with

the petitioner or (iii) if the informant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that the present modification application for confirmation of anticipatory bail has been filed since issue has been reconciled. Now the petitioner and informant are residing together.

Since the period of provisional bail lapsed on 12.09.2014 and the present modification application has been filed on 16.07.2015, this Court is not inclined to entertain the present prayer for modification.

However, in view of the present stand of the petitioner, let the petitioner and the informant appear before the learned court below on 24.08.2015 and if they admit that they are residing together, the learned court below may pass appropriate order in accordance with law with regard to the bail of the petitioner.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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