

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21659 of 2014

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1. Abdul Malik S/o Faizuddin Resident of Ranipatra, Pai Ka Gola
Kamalpur, P.S. Sadar Muffasil, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Lal Bano W/o Abdul Malik resident of Ranti Patra, Pai Ka Gola,
Kamalpur, P.S. Sadar Muffasil, District - Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-08-2015

The present modification application has been filed for extension/confirmation of provisional anticipatory bail granted to the petitioner for one year vide order dated 22.02.2013 passed in Cr. Misc. No. 3422 of 2013 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 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. 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 appears that for modification of the order

dated 22.02.2013, the present modification application has been filed on 13.05.2014 much after expiry of the period of provisional bail and there is nothing on record to suggest that petitioner's bail bond has been cancelled.

Hence, this Court is not inclined to modify the earlier order. Let learned Court below consider the prayer for regular bail of the petitioner, keeping in view the stand of the petitioner and the fact that petitioner has remained on provisional bail for one year, if the petitioner surrenders within a period of one year in connection with Complaint Case No. 186 of 2011, pending in the Court of learned Sub-Divisional Judicial Magistrate, Purnea.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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