

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15121 of 2015

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1. Md. Meraj @ Md. Meraj Alam Son of Md. Mokhtar Resident of village -
Alinagar (Dhamsain), P.S. Alinagar, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahijanha Khatoon wife of Md. Meraj, Daughter of Umar Residing at
Mohalla - Lal Pokhar Mufti, P.S. Laheriasarai, District - Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-04-2015 Heard learned counsel for the petitioner and the State.

The present application has been filed for modification
of order dated 12.11.2014 passed in Cr. Misc. No. 44146 of 2014.

The petitioner was granted provisional anticipatory bail vide
Cr. Misc. No. 32469 of 2013 in connection with Complaint Case No.
1863 of 2012 for six months with liberty to learned court below to
conduct enquiry with regard to factum of marriage and if it is found that
the petitioner never performed marriage with the complainant, the
provisional bail of the petitioner was to be confirmed by the learned
court below but if during enquiry the learned court below will come to
a conclusion otherwise, then the petitioner was to surrender and pray
for regular bail.

Subsequently, Cr. Misc. No. 39417 of 2014 was filed for



modification of the order passed in Cr. Misc. No. 32469 of 2013 when it was submitted that prior to disposal of the bail application the petitioner filed Matrimonial Suit No. 42 of 2014 for declaring marriage null and void, hence vide order dated 24.9.2014 passed in Cr. Misc. No. 39417 of 2014, the order dated 8.7.2014 passed in Cr. Misc. No. 32469 of 2013 was modified to the extent that the learned trial court was given liberty to conduct enquiry with regard to the factum of marriage keeping in view the pendency of Matrimonial Suit No. 42 of 2014 filed by the petitioner.

Thereafter, the petitioner filed Cr. Misc. No. 44146 of 2014 for extending the period of surrender. The period of surrender of the petitioner was extended for four weeks and the period of enquiry was also extended for further period of three months vide order dated 12.11.2014.

The present modification application is again for extending the period of surrender of the petitioner as well as the period of enquiry since the court concerned was not available.

Keeping in view the fact that this is the third modification application, this court is not inclined to interfere in the matter. However, let the learned court below consider the prayer for regular bail of the petitioner keeping in view that the factum of marriage between the parties is in dispute in case the petitioner surrenders within six weeks from today in connection with

Compliant Case No. 1863 of 2012 pending in the court of learned
SDJM, Darbhanga.

The modification application stands disposed of.

(Dinesh Kumar Singh, J)

Anil/-

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