

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19512 of 2014

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Ajay Kumar Choudhary @ Ajay Choudhary @ Pinku Choudhary S/o
Surendra Choudhary Resident of Village- Dharhara, P.S- Raghapur,
District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Usha Kumari W/o Ajay Chaudhary @ Pintu Chaudhary at present
resident of Purab Bazar, College Gate, Saharsa, P.S + District – Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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

ORAL ORDER

05/ 22-04-2015

The present application has been filed for modification of order dated 28.03.2012 passed in Cr. Misc. No. 9494 of 2012, whereby petitioner was granted provisional anticipatory bail for one year in connection with Complaint Case No. 1872C of 2010 wherein process was 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, pending in the court of learned Sub-divisional Judicial Magistrate, Saharsa on the readiness of the petitioner that he is ready to keep the complainant as wife with full dignity and honour and has filed a restitution case prior to the lodging of the present complaint and paid maintenance of Rs.2,500/- per month to the complainant.

The provisional bail was to be confirmed by the learned court below within one year on substantial restoration of matrimonial harmony, or the complainant deliberately refuses to reside with the petitioner or the complainant fails to appear before the learned court below.

The order dated 28.03.2012 passed in Cr. Misc. No. 9494 of 2012 was modified vide order dated 14.08.2013 passed in Cr. Misc. No. 32613 of 2013, whereby the period of provisional bail was extended for six months.

It is submitted by learned counsel for the petitioner that the order of the learned court below as contained in Annexure-A to the modification application suggests that the petitioner filed an application with statement to take the complainant to keep her as wife with dignity and honour, but it was the complainant who failed to appear and till date the bail bond of the petitioner has not been cancelled. The petitioner is still ready to keep the complainant with dignity and honour.

It is submitted by learned counsel for the complainant that the petitioner has not paid the maintenance amount. Though, it was submitted that at initial stage the petitioner was making payment of the maintenance amount. The complainant is still ready to resume the conjugal life.

Both sides agree to appear before the learned court below on 4th of May, 2015 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

It is expected from the petitioner to make payment of maintenance amount as directed in the maintenance proceeding.

Accordingly, the period of provisional bail is further extended till 30.06.2015. The provisional bail of the petitioner will be confirmed by the learned court below either the complainant appears and resume conjugal life or the petitioner deposits the entire arrears of maintenance amount.

It is made clear that no further modification application will be entertained.

(Dinesh Kumar Singh, J)

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