

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14426 of 2014

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1. Sarbjit Prasad S/O Late Ramlal Mahato R/O Village P.O Sawea, P.S-
Badhsariya, Distt- Siwan (Bihar)

.... Petitioner

Versus

1. The State Of Bihar
2. Mamta Devi Wife of Sarbjit Prasad, resident of Village+P.O.-Sawna,
P.S.-Badaharia, District-Siwan. At present Daughter of Mangal Prasad,
Village-Pandit Ke Harpur, P.S.-Thawe District-Gopalganj, Bihar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vijay Kumar Mishra

For the Opposite Parties : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 29-04-2015

The present application has been filed for modification of the order dated 11.10.2012 passed in Cr. Misc. No. 38839 of 2012 for confirmation of provisional bail granted to the petitioner 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 3/4 of the Dowry Prohibition Act.

The provisional bail of the petitioner was granted for one year on submission of the counsel for the petitioner that petitioner is ready to keep the complainant with dignity and honour when learned Court below was supposed to issue notice to the complainant and on appearance of the complainant the petitioner was supposed to take the complainant to her matrimonial house to keep her with dignity and honour. The provisional anticipatory bail of the petitioner

was to be confirmed in three eventualities (1) if the matrimonial harmony is restored substantially within one year (2) if the wife deliberately refuses to reside with the petitioner (3) if the wife fails to appear before learned Court below.

The notices were issued to the complainant/O.P. No. 2 vide order dated 26.03.2014 but the complainant/O.P. No. 2 failed to appear in spite of valid service of notice as gets reflected from the report of the process server at Flag-A.

There is nothing on record to suggest that provisional bail of the petitioner still survives. But, keeping in view of the fact that complainant has filed a compromise petition, it is a case for consideration of regular bail, if the petitioner surrenders within a period of six weeks and pray for regular bail in connection with Complaint Case No. 2266 of 2010, pending in the Court of learned Sub-Divisional Judicial Magistrate, Gopalganj/or the concerned Court.

Accordingly the modification application is disposed off.

Shageer/-

(Dinesh Kumar Singh, J)

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