

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26080 of 2014

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Shalim @ Md. Shalim Son of Sheikh Ishalim resident of village - Parsauni,
Police Station - Uchakagaon, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amina Khatoon Wife of Shalim resident of village - Parsauni Khash,
Police Station - Uchakagaon, District - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. S.Eheteshamuddin (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 24-06-2015

The present application has been filed for modification of order dated 03.04.2013 passed in Cr. Misc. No. 7294 of 2013 for confirming the provisional anticipatory bail granted to the petitioner in connection with Uchakagaon P.S. Case No. 68 of 2012 registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of learned SDJM, Gopalganj. The petitioner being the husband of the informant was granted provisional anticipatory bail for one year on undertaking of the petitioner that he is ready to keep the informant as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned court below on substantial restoration of

the matrimonial harmony or if the informant deliberately refuses to reside with the petitioner.

It appears that after the expiry of the period of provisional bail vide order dated 21.07.2014 when the petitioner failed to appear the learned SDJM, Gopalganj has cancelled the bail bonds of the petitioner and directed for issuance of NBW. The said order has been challenged vide I.A. No. 831 of 2015.

Considering the fact that much after lapse of the period of provisional bail the bail bond was cancelled due to non-appearance of the petitioner and the said order dated 21.07.2014 was challenged in May, 2015, this Court is not inclined to interfere. Accordingly, this application is disposed of.

It is jointly prayed that the petitioner and the informant are still ready to reconcile the issue. If the petitioner appears and give some undertaking to that effect the learned court below may consider the prayer for regular bail of the petitioner.

(Dinesh Kumar Singh, J)

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