

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24742 of 2014

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Md. Firoz Alam Son of late Badiruddin Resident of village- Machhaila,
Tola Rambag, P.S.- Mahalgoan (Jokihat), Dist.- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Jinnati daughter of Md. Mustaque, Wife of Md. firoz Alam
Resident of Machhaila, Tola Rambag (rahamatbag), P.S.- Mahaigoan
(Jokihat), Dist.- Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 05-08-2015

Heard learned counsel for the petitioner,

State and complainant-opposite party no. 2.

The present application has been filed for modification of order dated 15.05.2013 passed in Cr. Misc. No. 19038 of 2013 for extending the period of provisional bail.

The petitioner was granted provisional anticipatory bail for one year in connection with Complaint Case No. 1045C of 2012 wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 406. 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The provisional anticipatory bail was granted



to the petitioner on submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant with dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities - if the matrimonial harmony is restored substantially within one year or the wife deliberately refuses to reside with the petitioner or she fails to appear before the learned court below.

The present modification has been filed on the ground that the order of the learned court below dated 03.07.2013 and 30.09.2013 reflect that the petitioner took the complainant to his matrimonial house but it was complainant who did not reside with the petitioner. However, contention of the learned counsel for the petitioner is controverted by the learned counsel appearing for the complainant.

The petitioner was granted provisional anticipatory bail vide order dated 15.05.2013 whereas the present modification has been filed on 16.06.2014. It is submitted by learned counsel for the petitioner that the bail bond of the petitioner has still not been cancelled.

It appears from the order dated 05.06.2014 that the evidence before charge is going on.

In the circumstances, this Court is not

inclined to interfere in the present modification application. But since the petitioner is remain on anticipatory bail since 15.05.2013 no useful purpose will be served not to consider the prayer for regular bail of the petitioner by the learned court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1045 of 2012 pending in the court of learned Sub-divisional Judicial Magistrate, Araria.

The present order will not preclude the parties to resume the conjugal life.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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