

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18912 of 2014

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1. Binod Paswan @ Vinod Paswan Son of Sri Ram Jatan Paswan Resident
of Village - Salkhani, P.S.- Bibhutipur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Indrasan Devi Wife of Bindod Paswan Daughter of Sri Ramyad Paswan
Resident of Village - Salkhani, P.S.- Bibhutipur, District- Samastipur at
present residing at Vilalge - Wazidpur, Bambaiya, P.S.- bibhutipur,
District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-08-2015

The present modification application has been filed for confirmation of provisional anticipatory bail granted to the petitioner for one year vide order dated 12.10.2012 passed in Cr. Misc. No. 37513 of 2012 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.

The provisional bail was granted on readiness of the petitioner to keep the complainant as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed within one year by the learned Court below on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the

petitioner that in spite of best efforts the issue could not be reconciled due to the latches on the part of the complainant/wife of the petitioner.

It appears that for modification of the order dated 12.10.2012, the present modification application has been filed on 24.04.2014 much after expiry of the period of provisional bail and there is nothing on record to suggest that petitioner's bail bond has been cancelled or not.

This Court is not inclined to modify the earlier order. Let learned Court below consider the prayer for regular bail of the petitioner, keeping in view that petitioner is still ready to reconcile the issue and has remained on provisional anticipatory bail for one year, if the petitioner surrenders within a period of one year in connection with Complaint Case No. 154 of 2011, pending in the Court of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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