

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32165 of 2014

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1. Jai Narayan Sharma Son of Shri Girish Sharma Resident of Village -
Nagain, P.S. Goh, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangita Devi Wife of Jay Narayan Sharma Resident of Village -
Nagain, P.S. Goh, District - Aurangabad at present Daughter of Shridhar
Sharma, village - Sohsa, P.S. Mehendiya, District - Arwal
3. Gudiya Devi Daughter of Ram Binay Sharma resident of village -
Kanap, P.S. Daudnagar, District - Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 19-08-2015

The present application has been filed for modification of the order dated 29.10.2013 passed in Cr. Misc. No. 50574 of 2012 for extending the period of provisional anticipatory bail granted to the petitioner for six months in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 494, 498A of the Indian Penal Code.

The provisional bail was granted to the petitioner on submission of the petitioner that petitioner has not performed second marriage and is ready to keep the complainant as wife with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed within six months by the learned Court below, if in the enquiry being conducted by learned Court below with

regard to factum of second marriage by the petitioner, it comes to the conclusion that petitioner has not performed second marriage otherwise petitioner was to surrender and pray for regular bail.

It appears that vide order dated 18.06.2014 passed by learned Sub-Divisional Judicial Magistrate, Daudnagar, learned Court below came to the conclusion that petitioner has performed second marriage. The prayer for quashing of the said order has also been prayed for vide I.A. No. 2593 of 2014.

It is submitted by learned counsel for the petitioner that the matter has been referred to the mediation in pursuance to the order passed in quashing application. Hence, the matter may be adjourned further.

Considering the fact that period for provisional anticipatory bail was for six months which expired on 28th of April, 2014, whereas the present modification application was filed on 28.07.2014 and the learned Court below after due enquiry came to the conclusion that petitioner has performed second marriage, this Court is not inclined to modify the earlier order.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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