

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20616 of 2015

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Suresh Prasad Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-08-2015

The present application has been filed for modification of the order dated 29.04.2014 passed in Cr. Misc. No. 41564 of 2013 for extending the period of provisional bail or for confirmation of the same.

I.A. No. 958 of 2015 has been filed for quashing the order dated 12.11.2014 passed in Complaint Case No. C-I 212 of 2009 (Tr. No. 1063 of 2014) whereby learned SDJM, Vaishali at Hajipur has cancelled the bail bonds of the petitioner.

This matter has chequered history.

The petitioner preferred Cr. Misc. No. 13302 of 2011 with a prayer for anticipatory bail in Complaint Case No. 212 of 2009 wherein process was directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 379 and 494 of the IPC. The petitioner is the husband of the complainant. On submission of learned counsel for the petitioner



that the petitioner is ready to keep the complainant with full dignity and honour and has not performed second marriage, the petitioner was granted provisional anticipatory bail for six months vide order dated 26.04.2011 passed in Cr. Misc. No. 13302 of 2011. The provisional bail of the petitioner was to be confirmed by learned court below either on substantial restoration of matrimonial harmony within six months or if the complainant deliberately refuses to reside with the petitioner. The order dated 26.04.2011 was modified vide order dated 08.02.2012 passed in Cr. Misc. No. 6266 of 2012 whereby the petitioner's provisional bail was further extended for six months. The order dated 08.02.2012 passed in Cr. Misc. No. 6266 of 2012 was further modified vide order dated 29.04.2014 passed in Cr. Misc. No. 41564 of 2013 whereby petitioner's provisional bail was again further extended for six months with liberty to the learned court below to confirm the provisional bail of the petitioner on substantial restoration of matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner and the order dated 28.02.2013 passed by SDJM, Vaishali at Hajipur in Complaint Case No. 212 of 2009 was also set aside whereby the bail bonds of the petitioner was cancelled. Now the present modification has been filed with a prayer for modification of the

order dated 29.04.2014 passed in Cr. Misc. No. 41564 of 2013 on the ground that the petitioner made all effort to reconcile the issue but issue in dispute could not be ultimately resolved. There is child also out of the wedlock and the petitioner has transferred some land in the name of new born child which reflects bona fide of the petitioner.

Considering the quantum of indulgence given by this Court since 2011, this Court is not inclined to give any further indulgence in the matter.

Accordingly, the present application as well as I.A. No. 958 of 2015 is disposed of with liberty to the petitioner to surrender before the learned court below and pray for regular bail.

In view of this Court since the petitioner is enjoining the privilege of anticipatory bail since 2011, no useful purpose will be served in not allowing the prayer of regular bail of the petitioner by the learned court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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