

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3238 of 2014

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Satish Chandra Pathak S/O Harish Chandra Pathak Resident Of Village
Baisi, Police Station Karjain Bazar, District Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar.

2. Smt. Pushpalata Pathak W/O Satish Chandra Pathak D/O Shri Amarnath
Jha Resident Of Mohalla Pratap Nagar, Police Station And District
Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

08/ 18-03-2015

The present application has been filed for
modification of order dated 17.12.2012 passed in Cr. Misc. No.
44467 of 2012 to the extent of confirming the provisional
anticipatory bail. The petitioner was granted provisional
anticipatory bail for one year in Complaint Case No. 821 of 2011
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under Sections
498A, 323 and 504 of the Indian Penal Code, pending in the court
of learned Judicial Magistrate, Ist Class, Saharsa.

The provisional bail was to be confirmed by the learned court below on substantial restoration of matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

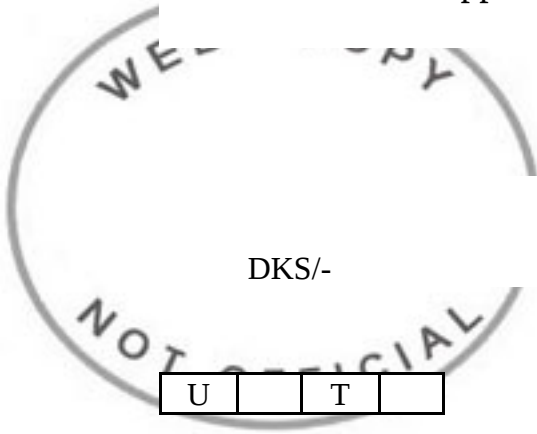
It is submitted by learned counsel for the petitioner that in compliance to the order dated 17.12.2012 the petitioner took the complainant but subsequently she filed an application before the learned court below that she was being tortured. Subsequently the learned court below called for a report from the S.P., Supaul, who reported that the complainant was not being tortured.

It is jointly submitted that the petitioner and the complainant are still ready to reconcile the issue.

Let the learned court below mediate the issue. Both sides agree to appear before the learned court below on 06.04.2015 and if it appears to the learned court below that the issue is not reconciled due to the conduct of the complainant then only the provisional bail of the petitioner will be confirmed by the learned court below otherwise the petitioner will surrender and pray for regular bail.

Accordingly, this modification application is disposed of.

It is made clear that no further modification
application will be entertained.



DKS/-

(Dinesh Kumar Singh, J)

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