

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53022 of 2015

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Vishwajit Rai Son of Sri Jairam Rai Resident of Village - Sahiba Chowk,
P.S. - Mirganj, District - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

02/ 16-12-2015

The present application has been filed for
modification of order dated 10.09.2013 passed in Cr. Misc. No.
23937 of 2013 for confirming the provisional anticipatory bail.

On readiness of the petitioner to keep the
informant as wife with full dignity and honour the petitioner was
granted provisional anticipatory bail in connection with Mirganj
P.S. Case No. 270 of 2012 registered for the offences punishable
under Sections 323, 341, 498A, 504/34 of the Indian Penal Code
and 3/4 of Dowry Prohibition Act, pending in the court of learned
CJM, Gopalganj.

The provisional bail was to be confirmed by
the learned court below in three eventualities:- (i) on substantial
restoration of matrimonial harmony between the parties within
one year (ii) or the informant fails to appear before the learned

court below (iii) or the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the matrimonial harmony could not be restored and bail bond of the petitioner has already been cancelled. It is further submitted that the informant lodged three cases with accusation under Section 498A of the IPC. In one of the case the petitioner was granted bail after remaining in custody.

Considering the fact that this application has been filed on 09.11.2015 for modification of order dated 10.09.2013, this Court is not inclined to entertain the present modification application. But keeping in view of the fact that the petitioner has already granted bail in other two cases filed under Section 498A IPC, it is expected from the learned court below to consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks from today.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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