

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40614 of 2014

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Sanjay Kumar Son of Jang Bahadur Sah resident of village- Bhelwa
Chhauradano, P.S.- Chhauradano, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari, Wife of Sanjay Kumar, Daughter of Bhikhari Sah,
Resident of village – Sugauli Gawn, P.S. Sugauli, District – East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 11-02-2015

The present application has been filed for modification of order dated 02.05.2013 passed in Cr. Misc. No. 13590 of 2013, whereby petitioner was granted provisional anticipatory bail in connection with Complaint Case No. 488 of 2011 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code pending in the court of learned Sub-divisional Judicial Magistrate, Motihari.

The provisional anticipatory bail was granted on the readiness of the petitioner to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed 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 the complainant is not ready to reside with the petitioner as she expressed her unwillingness before the learned court below on the ground that the petitioner has performed second marriage. Affidavit has been filed to the effect that the petitioner has not performed second marriage and still ready to keep the complainant.

It is submitted by learned counsel for the complainant that due to the past conduct of the petitioner complainant is not ready to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner's provisional bail granted by this Court has not been cancelled.

Considering the present stand of the parties, the provisional anticipatory bail granted to the petitioner vide order dated 05.02.2013 passed in Cr. Misc. No. 13590 of 2013 is confirmed.

(Dinesh Kumar Singh, J)

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