

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42683 of 2014

1. Rabindra Sharma Son of Bishundeo Sharma resident of village -
Gadrisarai, P.S. - Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shobha Devi Wife of Rabindra Sharma, D/o Nagendra Sharma Resident
of Village - Kariaporsha, P.S. - Mahua, District- Vaishali.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 26-08-2015

The present modification application has been filed for confirmation of provisional anticipatory bail granted to the petitioner for one year vide order dated 21.03.2013 passed in Cr. Misc. No. 8696 of 2013 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The provisional bail was granted as both sides were agreed to reconcile the issue and both sides were agreed to appear before learned Court below on 15th of April, 2013 when petitioner was to take the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be

confirmed within one year by the learned Court below on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

The notices were issued to O.P. No. 2 in the present modification application vide order dated 05.11.2014 and again vide order dated 07.01.2015 but in spite of valid service of notice none is appearing on behalf of the complainant.

It is submitted by learned counsel for the petitioner that matrimonial harmony could not be restored due to the latches on the part of the complainant and complainant as performed second marriage.

Considering the fact that for modification of the order dated 21.03.2013, the present modification application has been filed on 16.10.2014 much after expiry of the period of provisional anticipatory bail, this Court is not inclined to modify the earlier order. Let learned Court below consider the prayer for regular bail of the petitioner keeping in view of the fact that petitioner has enjoyed the privilege of provisional anticipatory bail for considerable period, the complainant choose not to appear in spite of valid service of notice by this Court and no useful purpose will be served at this stage by putting the petitioner in custody, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 716 of 2012, pending in the Court of

learned Chief Judicial Magistrate, Vaishali at Hajipur.

Accordingly the modification application is

disposed off.

Shageer/-

(Dinesh Kumar Singh, J)

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