

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50810 of 2014

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1. Awadesh Kumar Rai Son of Ganesh Rai Resident of village- Sari,
Police Station-Warishnagar, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi wife of awdesh Kumar Rai, D/o Hare Ram Rai, Resident of
village- sari, Police Station- Warishnagar, District-samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 26-08-2015

The present modification application has been filed for conformation of provisional anticipatory bail granted to the petitioner for one year vide order dated 23.12.2013 passed in Cr. Misc. No. 39016 of 2013 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 323, 494, 498A of the Indian Penal Code.

The provisional bail was granted to the petitioner on denial of second marriage being performed and on readiness to keep the complainant 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 in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant deliberately gets reluctant to reconcile the issue or (iii) if the complainant fails to appear

before the learned court below.

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

The notices were issued to the complainant in the present modification application vide order dated 21.01.2015. Though the complainant has entered appearance through her lawyer but today none is appearing on behalf of the complainant.

Considering the fact that the period of provisional anticipatory bail lapsed on 23rd of December, 2014, this court is not inclined to entertain the present modification application. But, keeping in view of the fact that modification application was filed within the period of one year of provisional bail, the present modification application is disposed of with liberty to the learned Court below to pass appropriate order for release of petitioner on regular bail, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 1349 of 2012, pending in the Court of learned Judicial Magistrate, 1st Class, Samastipur.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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