

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42356 of 2014

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Sanjay Kumar Ram, Son of Babudhan Ram, Resident of Village – Karamkila, P.S. Beghela, District – Rohtas (at present working as Peon in Lok Adalat, Civil Court, Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar
2. Chanchla Devi, Wife of Sanjay Kumar Ram, daughter of Late Birju Ram, Resident of village – Sanda, P.S. Amba District – Aurangabad at present Mohalla – Takia, Sasaram, P.S. Sasaram Model, District – Rohtas at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 22-07-2015

The present application has been filed for modification of order dated 09.04.2013 passed in Cr. Misc. No. 9227 of 2013 for confirmation of the provisional anticipatory bail granted to the petitioner in connection with Complaint Case No. 497 of 2012 wherein processes were 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 SDJM, Aurangabad.

The petitioner was granted provisional anticipatory bail for one year on readiness to keep the complainant as wife with dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities:- (i) if

the matrimonial harmony is substantially restored or (ii) if the complainant deliberately refuses to reside with the petitioner or (iii) if the complainant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled though the further proceeding of learned court below has been stayed in quashing application vide Cr. Misc. No. 11967 of 2014.

Considering the fact that the period of provisional anticipatory bail expired on 09.04.2014 and the present modification application has been filed on 14.10.2014, this Court is not inclined to entertain the present modification application.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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