

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42581 of 2014

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Ranjeet Prasad @ Ranjeet Kumar Son of Anil Prasad Resident of Mohalla-
Ashiyana Nagar, Ram Nagari, Sector-4, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2. Mamta Devi, Wife of Ranjeet Prasad, Daughter of Sri Dwarika Prasad,
C/o Binod Kumar, Mohalla – Sherullahpur Nand Gaon, P.S.
Shastrinagar, District – Patna at present Sheikhpura More Raja Bazar,
Kumar Body Builder Gali, P.S. Hawaii Adda, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 08-07-2015

The present application has been filed for
modification of order dated 04.10.2013 passed in Cr. Misc. No.
27172 of 2013 for confirmation of the provisional bail granted to
the petitioner in connection with Complaint Case No. 2418C of
2008 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
Judicial Magistrate, Ist Class, Patna.

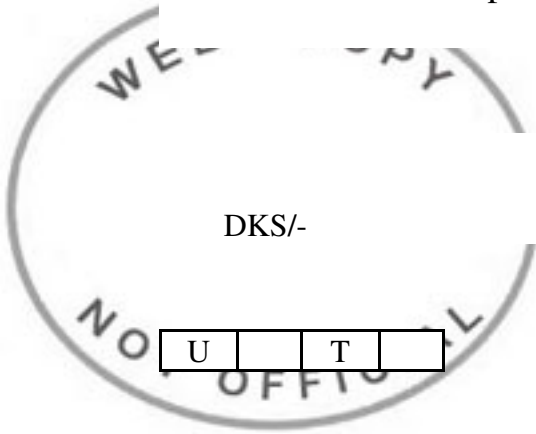
The provisional bail granted to the petitioner was to be confirmed by the learned court below on admission of the complainant that she has filed matrimonial suit for divorce under Section 13(B) of the Hindu Marriage Act since it was submitted by counsel for the petitioner that the complainant has filed Matrimonial Suit No. 894 of 2011 for divorce.

It appears from the record that the complainant did not appear before the learned court below. In the present modification application this Court vide order dated 05.11.2014 issued notices to the complainant, thereafter fresh notices were issued on 21.01.2015 and 25.03.2015 but the office note dated 07.07.2015 reflects that the notices could not be served on opposite party no. 2 since she is not traced.

Since the petitioner was granted provisional bail vide order dated 04.10.2013, this Court is not inclined to confirm the provisional bail after such long lapse of time, but keeping in view of the fact that the complainant appears not interested in prosecuting the petitioner and there is material on record that she filed Matrimonial Suit No. 894 of 2011 for divorce it is a case for consideration of prayer for regular bail, 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)