

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44879 of 2013

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1. Dastgir Alam Son Of Md. Majibullah Resident Of Village- Chawahi
Takki, Police Station- Manjhagarh, District- Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Md.Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 12-08-2015

The present modification application has been filed for extension/confirmation of provisional anticipatory bail granted to the petitioner for one year vide order dated 25.04.2011 passed in Cr. Misc. No. 12870 of 2011 in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 406, 498A of the Indian Penal Code and Section 3/4/5 of the Dowry Prohibition Act.

The provisional bail was granted on readiness of the petitioner to keep the complainant as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed within six months by the learned Court below if the matrimonial harmony is substantially restored or the complainant deliberately refuses to reside with the petitioner or the complainant creates an ugly scene in the Court, as she did earlier, which gets reflected from the order of

learned Court below dated 17.01.2011.

The notices were issued to the complainant/O.P. No. 2 in the present modification application vide order dated 30.10.2013. The office note dated 03.11.2014 reflects that notices have been validly served to the complainant/O.P. No. 2. None is appearing on behalf of the complainant/O.P. No. 2.

Considering the fact that for modification of the order dated 25.04.2011, the present modification application has been filed on 21.10.2013 much after expiry of the period of provisional 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 the stand of the petitioner and the fact that petitioner has remained on provisional bail for one year, if the petitioner surrenders within a period of one year in connection with Gopalganj P.S. Case No. 171 of 2010, arising out of Complaint Case No. 1290 of 2010, pending in the Court of learned Chief Judicial Magistrate, Gopalganj.

Accordingly the modification application is disposed off.

Shageer/-

(Dinesh Kumar Singh, J)

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