

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42461 of 2013

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Md. Shahabuddin, son of Abbas Rain, resident of Village-Malahi, P.S.-
Bela, District-Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Iftekar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-08-2015

The present modification application has been filed for modification of the order dated 15.05.2013 passed in Cr. Misc. No. 16938 of 2013 in a case 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.

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 one year by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant deliberately refuses to reside with the petitioner (iii) if the complainant fails to appear before learned Court below.

The present modification application has been filed on the ground that it was wrongly submitted on behalf of the petitioner that he is ready to keep the complainant

as wife though he has already divorced her.

The notices were issued to the complainant/O.P. No. 2 in the present modification application vide order dated 23.10.2013. The office note dated 06.05.2014 suggests that notices have validly been served to the complainant/O.P. No. 2. None is appearing on behalf of the complainant.

Considering the facts and circumstances of the case and considering the disputed question of fact, 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 Complaint Case No. C-01/1192/2011, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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