

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6985 of 2016

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1. Rajeev Kumar @ Rajiv Kumar S/o Kamlesh Ram, Resident of Mohalla
- Shekhpura, Police Station - Ramkrishna Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Devi, D/o Krishnadeo Ram, Resident of Village - Nagarnausa,
P.S. - Nagarnausa, District - Nalanda, at present residing at village -
Bara Khurd, P.S. - Nursarai, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Jitendra Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2016

The present application has been filed for modification of the order dated 31.08.2012 passed in Cr. Misc. No. 31443 of 2012, wherein the petitioner was granted provisional anticipatory bail for one year on submission of the petitioner that he has not performed second marriage and is ready to keep the complainant as wife with full dignity and honour in connection with Complaint Case No. 1257(C) of 2011 wherein processes were directed to be issued after cognizance being taken under Sections 323, 379, 494, 498A of the Indian Penal Code and Section 34 of the Dowry Prohibition Act. The provisional bail of the petitioner was to be confirmed by learned Court below on substantial restoration of matrimonial harmony

within a period of one year or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that petitioner could not surrender, execute bail bonds or complied the order of this Court since the petitioner has filed Cr. Misc. No. 20125 of 2012 before this Court challenging the order of cognizance dated 02.02.2012, wherein further proceeding of the Court below was stayed. However, the said quashing application was disposed of on 23.03.2015.

Considering the fact that petitioner was granted provisional bail for one year vide order dated 31.08.2012 passed in Cr. Misc. No. 31443 of 2012 and the present modification application has been filed on 10.02.2016 much after the lapse of the period of provisional bail, this Court is not inclined to consider the prayer for extending the period of provisional bail.

The order dated 31.08.2012 passed in Cr. Misc. No. 31443 of 2012 is hereby consigned.

Let learned Court below consider the prayer for regular bail/provisional bail to the petitioner, if the petitioner files an affidavit that he has not performed second marriage and is still ready to keep the complainant as wife with full dignity and honour and if the petitioner surrenders within a period of six weeks from today and pray for regular bail in connection with Complaint Case No. 1257(C) of 2011, pending in the Court of learned Sub-Divisional Judicial Magistrate,

Bihar Sharif, Nalanda.

Accordingly the modification application is

disposed of.

(Dinesh Kumar Singh, J)

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