

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8780 of 2016

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Gaurav Kumar @ Kumar Gaurav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2016

The present application has been filed for modification

of order dated 27.02.2015 passed in Cr. Misc. No. 41098 of 2014
to the extent of confirming the provisional bail.

The petitioner was granted provisional anticipatory bail
for one year in a case registered for the offences punishable under
Sections 323, 498A, 379 and 504/34 of the IPC on the submission
of learned counsel for the petitioner that the petitioner is ready to
keep the informant with dignity and honour. Both sides agreed to
appear before the learned court below on 16.03.2015 when the
petitioner was to take the informant to her matrimonial house to
keep her as wife with full dignity and honour. The provisional bail
of the petitioner was to be confirmed by the learned court below
on three eventualities (1) if the matrimonial harmony was
substantially restored within one year (2) if the informant failed to
appear before the learned court below or (3) if the informant got
reluctant to reconcile the issue.

The order dated 17.03.2015 of the learned court below reflects that the petitioner failed to appear on 16.03.2015 but on 17.03.2015 learned counsel for both the sides filed applications to the effect that they want to resume the conjugal life when the petitioner was allowed to take the informant to her matrimonial house but the order dated 20.03.2015 reflects that the informant filed an application alleging that she is being tortured.

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the informant as wife with full dignity and honour.

In the circumstances, this Court is not inclined to modify the order but keeping in view of the fact that the petitioner is an Air force personnel and is ready to keep the informant with dignity and honour, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Jehanabad Mahila P.S. Case No. 22 of 2014 pendign in the court of learned JM, 1st Class, Jehanabad.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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