

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10315 of 2016

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1. Shekh Fakhruddin Alam @ Fakhruddin Ali Ahmed, S/o Shekh Mumtaz,
R/o Village Goriya, P.S. Banjaria, District East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2016 The present application has been filed for modification of order dated 02.02.2015 passed in Cr. Misc. No. 21483 of 2014 for extending the period of provisional anticipatory bail.

Petitioner being the husband of the complainant was granted provisional anticipatory bail for one year in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code on the undertaking that petitioner is ready to keep the complainant as wife with full dignity and honour. The learned court below was given liberty to confirm the provisional bail within one year with

three eventualities i.e.:- (i) On substantial restoration of the matrimonial harmony, (ii), Or, if the complainant gets reluctant to reconcile the issue and (iii), or if the complainant fails to appear before the learned court below.

It is submitted by the learned counsel for the petitioner that petitioner is still stand by his undertaking, but the complainant chose not to appear before the learned court below, as a result neither the bail of the petitioner has been confirmed nor the bail bonds of the petitioner has been cancelled.

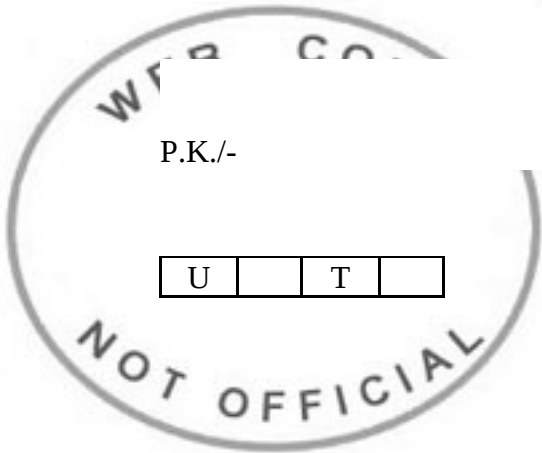
Keeping in view of the fact that the provisional anticipatory bail was granted on 02.02.2015 which lapsed on 01.02.2016, whereas the modification application has been filed on 29.02.2016, this Court is not inclined to modify the earlier order.

However, keeping in view of the present stand of the petitioner that he is ready to keep the complainant as wife with full dignity and honour, it is a case for consideration of prayer for bail by learned court below on surrender.

Let the learned court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 225C of 2013, pending in the court of learned Sri A. Suman, J.M., Ist Class, Motihari.

With the above observation this

modification application is disposed of.



(Dinesh Kumar Singh, J)