

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52909 of 2015

Arising Out of PS.Case No. -594 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

Mithu Mandal @ Mithu Kumar Mandal son of Basudeo Mandal resident of
Village - Koriapatti, Police Station - Jadia, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi Wife of Mithu Mandal, Daughter of Devo Rai resident of
Village-Masjid Chouk, Ward No. 13, Police Station and District-
Madhepura.

.... Opposite Party/s

with

Criminal Miscellaneous No.18495 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- SUPAUL

Mithu Mandal @ Mithu Kumar Mandal

.... Petitioner/s

Versus

1. State of Bihar
2. Punam Devi Wife of Mithu Mandal, Daughter of Devo Rai resident of
Village-Masjid Chouk, Ward No. 13, Police Station and District-
Madhepura

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.52909 of 2015)

For the Petitioner/s : Mr. Durgesh Kumar
For the State : Mr. Sanjay Kumar Tiwary (APP)
For the Opposite Party No. 2: Mr. Uday Chand Prasad
Mr. Manoj Kumar

(In Cr.Misc. No.18495 of 2016)

For the Petitioner/s : Mr. Durgesh Kumar
For the Opposite Party/s : Mr. Anuj Kr. Srivastav (APP)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 27-04-2016 Heard the parties.

Whereas Criminal Misc. No. 52909 of 2015 has been
filed by the petitioner apprehending his arrest in connection with
Complaint Case No. 594 of 2013, Criminal Misc. No. 18495 of

2016 has been filed praying for extension of the period of surrender since the petitioner was granted provisional bail vide order passed on 15.12.2015 in Criminal Misc. No. 52909 of 2015 subject to his arrest or surrender within four weeks.

Learned counsel for the petitioner submits that though the petitioner was granted provisional bail on 15.12.2015 but has failed to surrender within the period stipulated. The grounds stated in the modification application is that the petitioner was working outside and by the time information could be given to him about the order granting bail, the period stipulated had lapsed.

This matter has been taken up on couple of occasions when this Court endeavoured to bring about a possible resolution to the dispute but which is not forthcoming. In fact this matter was last taken up on 20.4.2016 when this Court adjourned the matter requiring the presence of the parties but it is stated by counsel appearing for the opposite party complainant that she has not been able to come due to ailment of one the children.

On the other hand, it is stated by Mr. Durgesh Kumar that the petitioner on his own did try to bring the complainant back to the matrimonial home but has failed in his attempt for she is not willing to accompany him.

In the circumstances discussed, the prayer made in

Criminal Misc. No. 18495 of 2016 is allowed and the period of surrender granted to the petitioner under the order dated 15.12.2015 passed in Criminal Misc. No. 52909 of 2015 is extended by further two weeks from today with a clear stipulation that no further time would be granted to the petitioner. The order dated 15.12.2015 passed in Criminal Misc. No. 52909 of 2015 stands modified to the aforementioned extent and the provisional bail granted to the petitioner thereunder stands confirmed.

The two applications are accordingly allowed.

(Jyoti Saran, J)

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