

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16965 of 2016

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1. Arun Kumar Paswan Son of Anmol Paswan, Resident of Village - Rahua
Kabila Chak, P.S. - Sour Bazar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kanchan Devi, Wife of Arun Kumar Paswan, D/o Shatrughan Paswan,
Resident of Village - Daurima, P.S. - Bihra, District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 17-08-2016 The present application has been filed for
modification of the order dated 13.02.2015, passed in Cr.
Misc. No. 32680 of 2014 with a prayer to confirm the
provisional anticipatory bail granted to the petitioner in a
complaint case in which processes have been directed to be
issued after cognizance being taken for the offences
punishable under Sections 323, 498A, 406 of the Indian Penal
Code.

Petitioner being the husband of the complainant
was granted provisional anticipatory bail on pleading made in
para-7 of the petition that he is ready to keep the
complainant as wife with full dignity and honour. The
provisional bail of the petitioner was to be confirmed by the
learned court below in three eventualities- (i) if the

matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below of (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by the learned counsel for the petitioner that issue could not be resolved due to apathetic attitude of the complainant.

The present modification application has been filed for modification of the order dated 13.02.2015, whereby the petitioner was granted provisional anticipatory bail for one year which lapsed in February, 2016, but the present modification application has been filed on 18.04.2016, in the circumstances, this Court is not inclined to entertain the present modification application.

However, in view of the fact that the petitioner has enjoyed the privilege of anticipatory bail till now as it is submitted that the bail bond of the petitioner has not been cancelled till date, it is a case for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 447C of 2013, pending in the court of learned Chief Judicial Magistrate, Saharsa.

With the above observation this

modification application is disposed of.

(Dinesh Kumar Singh, J)

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