

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46364 of 2015

Munna Bharti

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 30-03-2016

The present application has been filed for modification of the order dated 24.09.2013 passed in Criminal Miscellaneous No.25421/2013 for extending the period for surrender/confirming the provisional bail.

The petitioner was granted provisional bail for one year, in a complaint case wherein processes have been directed to be issued after cognizance being taken under sections 498A IPC and 3/4 of the Dowry Prohibition Act, on readiness of the petitioner to keep the complainant as wife with dignity and honour and the offer of the petitioner was accepted by the complainant. The provisional bail of the petitioner was to be confirmed by the learned court below in two eventualities "*if the matrimonial*

harmony is restored substantially within one year or the wife deliberately refused to reside with the petitioner."

It is submitted by learned counsel for the petitioner that the matrimonial harmony could not be restored due to the latches on the part of the complainant but admits that his bail bond has been cancelled by the learned SDJM, vide order dated 23.03.2015 and non-bailable warrant has been issued against him vide order dated 02.06.2015.

It appears that the present application has been filed on 28.09.2015 for modification of the order dated 07.03.2012 much after expiry of the period of one year.

Under the circumstances, this Court is not inclined to entertain the prayer for modification of the order aforesaid. But keeping in view of the fact the petitioner is still ready to keep the complainant as wife with dignity and honour and the complainant has deposed in a domestic violence case that she is not ready to reside with the petitioner, 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 within a

period of six weeks in connection with Complaint Case No.73/2011, pending before the learned CJM, Siwan.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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