

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27390 of 2016

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Satish Kumar Son of Ram Narayan Prasad Resident of Village- Kolhua,
Paigemberpur, PS Ahiyapur District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

2. Anita Devi Wife of Satish Kumar, Daughter Ramswarup Prasad
Resident of Village- Kohua Paigamberpur, PS Ahiyapur, District
Muzaffarpur at Present resident of Village- Pynas PS Madhubani
District Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-07-2016

The present application has been filed for
modification of order dated 19.03.2014 passed in Cr. Misc. No.
1658 of 2014 for confirming the provisional anticipatory bail
granted to the petitioner.

The petitioner was granted provisional
anticipatory bail for one year in a case registered for the offences
punishable under Sections 498A, 323, 328, 406/34 of the Indian
Penal Code and 3/4 of Dowry Prohibition Act on the readiness of
the petitioner that he is ready to keep the informant as wife with

full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that till date the provisional bail has not been confirmed since the informant has taken inconsistent stand though it was submitted on her behalf that she is ready to reconcile the issue but she does not want to accompany the petitioner to the matrimonial house. The petitioner has preferred matrimonial suit for restitution of the conjugal rights.

Since the petitioner was granted provisional anticipatory bail for one year on 19.03.2014 and the modification application has been preferred on 30.06.2016 much after lapse the period of provisional bail, this Court is not inclined to interfere. But keeping in view of the fact that the petitioner is enjoying the privilege of anticipatory bail and is appearing regularly before the learned court below, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Madhuban P.S. Case No. 152 of 2013

pending in the court of learned Sub-divisional Judicial Magistrate,
Sikrahana at Motihari, East Champaran.

Accordingly, this modification application is
disposed of with the above observation/direction.

(Dinesh Kumar Singh, J)

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