

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51903 of 2016

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1. Ashok Kumar Sah, Son of Shankar Prasad Sah, resident of Mohalla - K. Hat, P.S. Sahayak (K. Hat), Ward No. 27, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi, D/o Late Gyanchand Raut, Resident of Mohalla - Argara Chowk, Madhubani, P.S. K. Hat, Purnea, District - Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2016

The present application has been filed for modification of the order dated 28.04.2016 passed in Cr. Misc. No. 49665 of 2015 to the extent of confirming the provisional bail.

The petitioner was granted provisional bail for six months since the petitioner disputed the factum of marriage with the complainant in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 504 of the Indian Penal Code. The provisional bail of the petitioner was to be confirmed by learned Court below if learned Court below comes to a conclusion that petitioner has not performed marriage with the complainant, otherwise, the petitioner was directed to surrender before learned Court below and pray for regular bail.



The attention of this Court was brought to the order of the learned Court below dated 03.11.2016 which reflects that in spite of several reminders no proof with regard to marriage with the petitioner was produced by the complainant and in the meantime, the period of provisional bail of the petitioner got lapsed.

It is submitted by learned counsel for the petitioner that bail bond of the petitioner has still not been cancelled.

Since the period of provisional bail lapsed in October, 2016 when the present modification application has been registered on 30th November, 2016, this Court is not inclined to consider the present modification application. Let learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, keeping in view of the fact that factum of marriage is in dispute, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 1616 of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Purnea.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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