

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53012 of 2015

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Ajay Kumar Ram

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016

The present application has been filed for modification of the order dated 07.03.2012 passed in Criminal Miscellaneous No.6682/2012 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, 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 three eventualities "(i)if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant is reluctant to reconcile the issue.."

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.

It appears that the present application has been filed on 09.11.2015 for modification of the order dated 24.09.2013 much after expiry of provisional bail 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 with dignity and honour, 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.1642/2012, pending before the learned Judicial Magistrate, 1st Class, Samastipur.

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

(Dinesh Kumar Singh, J)

Ashwini/-

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