

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37432 of 2016

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Rohit Kumar Ujjual @ Suman Kumar Gupta Son of Gauri Shankar Gupta
Resident of Village- Pokhara Mohalla- P.S. Hajipur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 31-08-2016

The present application has been filed for modification of order dated 09.03.2016 passed in Cr. Misc. No. 11458 of 2016 to the extent of giving direction to learned CJM, Hajipur, Vaishali for passing appropriate order for confirmation of the provisional anticipatory bail of the petitioner.

The petitioner being the husband of the husband of the informant was granted provisional anticipatory bail in a case registered under Sections 498A, 494, 323/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act. The provisional anticipatory bail was granted to the petitioner on the readiness of the petitioner that he is ready to keep the informant as wife with full dignity and honour. Statement to that effect was made in paragraph 8 of the main petition and further statement



that the petitioner has not performed second marriage. The provisional anticipatory bail was to be confirmed by the learned court below in three eventualities (i) on substantial restoration of the matrimonial harmony within a period of six months (ii) if the informant fails to appear before the learned court below (iii) if the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the informant as wife with full dignity and honour but the provisional bail is not being confirmed by the learned court below.

It is submitted by learned counsel for the informant that the learned court below called for a report from the concerned police station and police has submitted that report that the petitioner has performed second marriage with one Arti Kumari.

In the circumstances, this Court is not inclined to entertain the present modification application.

Let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of four weeks from today in connection with Hajipur Town P.S. Case No. 01 of 2016 pending in the court of learned Chief Judicial Magistrate, Vaishali

at Hajipur.

Accordingly, this modification application is

disposed of.

(Dinesh Kumar Singh, J)

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