

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41577 of 2016

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1. Pradeep Kumar Singh son of Late Baidyanath Singh Resident of
Village-Raipur, P.S.- Ujiaipur, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Barsha Kumari daughter of Prem Narayan Singh Resident of Village-
Malpur, Purwari Patti, P.S.-Dalasingsarai, District-Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 30-11-2016

The present application has been filed for modification of the order dated 30.05.2016 passed in Cr. Misc. No. 24132 of 2016 for extending the period of provisional bail since the Court of learned Additional Chief Judicial Magistrate, Dalsing Sarai, Samastipur was not available, hence the issue could not be reconciled.

The petitioner being husband of the complainant was granted provisional anticipatory bail for four months in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The petitioner was granted bail on submission of the counsel for the petitioner that petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-



“That the petitioner is ready to keep the complainant with full honour and dignity.”

Learned Court below was supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed in three eventualities i.e. (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that since the Court of learned Additional Chief Judicial Magistrate, Dalsing Sarai (Samastipur) was not available, hence the order could not be complied. The bail bond of the petitioner has still not been cancelled and the present modification application has been preferred before expiry of four months of the provisional bail. Though statement to that effect has not been made in the petition. It is further submitted that now the Court of learned Additional Chief Judicial Magistrate is available, hence the petitioner is ready to appear and comply the undertaking given before this Court.

It is submitted by learned counsel for the complainant that complainant is ready to resume the conjugal life but she is apprehensive that she may not be taken by the petitioner to his place of employment.



It is submitted by learned counsel for the petitioner that petitioner is ready to keep the complainant at his place of employment.

Both sides agree to appear before learned Court below on 12th of December, 2016 when the petitioner will take the complainant to her matrimonial house and thereafter to his place of employment.

Keeping in view of the present stand of the parties, the provisional bail of the petitioner is extended till 9th of January, 2017.

The provisional bail of the petitioner will be confirmed in three eventualities i.e. (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

The order dated 30.05.2016 passed in Cr. Misc. No. 24132 of 2016 is modified to the extent as indicated above.

Accordingly the modification application is disposed of in connection with Complaint Case No. 180 of 2015, pending in the Court of learned Additional Chief Judicial Magistrate, Dalsing Sarai, Samastipur.

(Dinesh Kumar Singh, J)

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