

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12029 of 2016

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Raju Sao @ Raju Sah, age 32 years son of Suresh Sao, of Industrial Area, Rampur, Paswan Chowk (Haripur), District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi, age 22 years wife of Raju Sah, D/o Bahadur Sah of Village- Khalikpura, P.S.- Phulwari, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya

For the Opposite Party/s : Mr. Yogendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10-08-2016

The present application has been filed for modification of order dated 11.09.2015 passed in Cr. Misc. No. 42227 of 2015.

The petitioner being the husband of the complainant preferred Cr. Misc. No. 42227 of 2015 apprehending arrest in connection with a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code. The petitioner was granted provisional anticipatory bail on readiness to keep the complainant as wife with full dignity and honour. Statement to that effect was made in paragraph 7 of the main petition. The petitioner was to surrender and furnish bail

bond within a period of twelve weeks. The provisional anticipatory bail was granted for one year and the provisional bail 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 gets reluctant to reconcile the issue.

The present application has been filed on 10.03.2016 after six months of the grant of provisional anticipatory bail, hence, this Court is not inclined to modify the earlier order.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of three weeks from the date of receipt/production of a copy of this order in connection with Complaint Case No. 46C of 2014 pending in the court of learned Judicial Magistrate, Ist Class, Patna.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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