

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15026 of 2016

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Shyam Kumar Singh, Son of Deo Charan Prasad, Resident of village –
Saren, P.S. Makhdoompur, District – Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari Daughter of Sri Surendra Prasad Wife of Sri Shyam
Kumar Singh, Resident of village – Nausaharachak, P.S. – Goh, District
– Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-04-2016

The present application has been filed for
modification of order dated 23.02.2015 passed in Cr. Misc. No.
43853 of 2014 for confirmation of the provisional anticipatory
bail.

The petitioner was granted provisional
anticipatory bail for one year in a complaint case wherein
processes were directed to be issued after cognizance being taken
for the offences punishable under Sections 323, 406, 504, 498A of
the Indian Penal Code and 3/4 of Dowry Prohibition Act. The



provisional bail was granted to the petitioner on the readiness of the petitioner being the husband of the complainant that he is ready to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that due to the conduct of the complainant the matrimonial has not been restored but now the petitioner and the complainant are ready to resume the conjugal life but the learned court below vide order dated 26.02.2016 refused to confirm the provisional bail.

This Court is not inclined to interfere. But since both sides are ready to resolve the issue, this Court sees no reason for the learned court below not to consider the prayer for regular bail of the petitioners, if the petitioner surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 708 of 2011 pending in the court of learned Chief Judicial Magistrate, Jehanabad. It is expected from the learned court below to dispose of the bail

application of the petitioner preferably on the same day.

Accordingly, this modification application

is disposed of.

(Dinesh Kumar Singh, J)

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