

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15276 of 2016
(Arising out of Cr.Misc. No.448 of 2015)

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Umesh Yadav, Son of Balak Yadav, Resident of Village-Kashibigha, P.S. -
Nardiganj, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manju Devi, D/o Late Bahju Yadav, Resident of Village - Maluka
Bigha, P.S. - Bisua, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Ms. Meena Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 02-09-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

It appears that notices were issued in the present case
on 27.4.2016 seeking modification of the earlier order passed by
this Court in view of the fact that the petitioner has stated in
paragraph 3 of the modification application that O.P. No.2 ,
namely, Maju Devi, had again married with Ranjeet Yadav, son
of Arjun Yadav, resident of Village-Nahaluchak, P.S.-Nawada.

However, it appears that instead of sending the notices
to O.P. No.2 at the aforementioned address, notices were again
sent to her at her maternal home at Village- Malukabigha, P.S.-
Hisua, District-Nawada. The said notices are said to have been

received by her mother. Subsequently, the petitioner had also filed a jointness petition stating that she was living with her mother jointly and, therefore, the service of notice should be accepted as valid.

However, it appears from the statement made in the earlier application as well the present modification petition that the petitioner has all along averred that O.P. No.2 has already married, which is contrary to the statements made in the jointness petition. Therefore, the intention of the petitioner seems dubious for having given the address of O.P. No.2 as that of her maternal home instead of the address of her present husband.

On the last date, when the order was passed granting provisional bail, this Court, vide order dated 8.7.2015 passed in Cr.Misc. No.448 of 2015, had clearly directed that “if he deposits the entire arrears of Rs.750/- from 08.01.2015 till date within a period of four weeks from the date of receipt of this order and in case he fails to do so his provisional anticipatory bail would be automatically cancelled.”

However, there is nothing on the record till date, even in this modification application, that the petitioner has complied with the aforementioned order. Hence, the order granting provisional bail to him automatically stands cancelled.

The petitioner, if he so desires, is given liberty to file a

fresh anticipatory bail application after giving the correct address of O.P. No.2 and after depositing all arrears, which were due to her from the date the order of provisional bail was granted till the date he so moves in the next case.

The modification application, thus, fails and is rejected.

(Anjana Mishra, J)

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