

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15980 of 2016

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Gaurav Kumar @ Kumar Gaurav son of Sarju Mistry, Residents of
Mohalla- Horilganj, P.S.- Jehanabad, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

2. Shilpa Sharma wife of Gaurav Kumar, daughter of Kangress Sharma, R/o
village- Adluchak Daudnagar, P.S. + District- Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Rajiv Nayan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 27-04-2016

The present application has been filed for
modification of order dated 27.02.2015 passed in Cr. Misc. No.
41098 of 2014 to the extent of confirming the provisional bail
granted vide order dated 02.03.2016 passed in Cr. Misc. No. 8780
of 2016.

The petitioner being the husband of the
informant preferred anticipatory bail application being Cr. Misc.
No. 41098 of 2014 in a case registered for the offences punishable
under Sections 323, 498A, 379 and 504/34 of the Indian Penal
Code.



The petitioner was granted provisional anticipatory bail to one year on the submission that the petitioner is ready to keep the informant as wife with full dignity and honour. Learned counsel for the informant accepted the offer of the petitioner on instruction of the informant. Both sides agreed to appear before the learned court below on 16.03.2015 when the petitioner was to take back the informant to keep her as wife with full dignity and honour.

The provisional bail was to be confirmed by the learned court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored within one year (ii) or if the informant fails to appear before the learned court below (iii) or she gets reluctant to reconcile the issue.

Subsequently, Cr. Misc. No. 8780 of 2016 was preferred for modification of order dated 27.02.2015 passed in Cr. Misc. No. 41098 of 2014 whereby petitioner was granted provisional anticipatory bail for one year to the extent that provisional bail may be confirmed since the informant is reluctant to reconcile the issue. The said modification application was disposed of vide order dated 02.03.2016 when this Court declined to modify the order but observed that it is a case for consideration for regular bail keeping in view of the fact that the petitioner is an

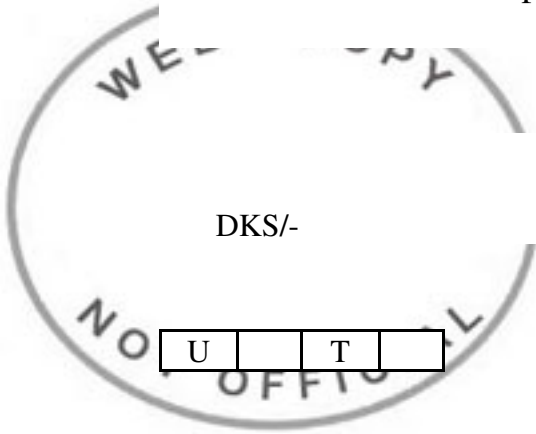
Air Force Personnel and ready to keep the informant with dignity and honour.

Now the present modification application has been preferred in view of the application filed by the informant before the learned court below dated 11.02.2016 which has been brought on record with modification application. The paragraph no. 1 of the modification application stipulates that the informant is not reluctant to reconcile the issue, which reads as follows:- “ That the petitioner is not reluctant to reconcile the issue and the petitioner is ready to live with her husband Gaurav Kumar Alias Kumar Gaurav as married husband and wife.”

In view of the aforesaid facts, the order dated 27.02.2015 passed in Cr. Misc. No. 41098 of 2014 is modified to the extent that the learned court below will consider to grant bail to the petitioner provisionally provided the petitioner surrenders within a period of six weeks from today in connection with Jehanabad Mahila P.S. Case No. 22 of 2014 pending in the court of learned Judicial Magistrate, Ist Class, Jehanabad. Let the learned court below issue notice to the informant and if she admits about her stand as incorporated in the petition dated 11.02.2016 then the provisional bail will be confirmed by the learned court below.

Accordingly, this modification application

is disposed of.



(Dinesh Kumar Singh, J)