

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47454 of 2016

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Awanit Singh @ Guddu Singh, son of Late Baidyanath Singh, resident of
Village-Madrourai, P.S.-Rangra/Gopalpur, District-Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-11-2016

The present application has been filed for modification of the order dated 30.08.2012 passed in Cr. Misc. No. 30303 of 2012 for extending the period of surrender.

The petitioner being husband of the complainant was granted provisional anticipatory bail in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494, 323 of the Indian Penal Code.

The provisional bail was granted on submission of the petitioner that he has not performed second marriage and he is ready to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed by learned Court below on verification of the fact that petitioner has not performed second marriage and in that eventuality the complainant would resume the conjugal life with the petitioner.

It is submitted by learned counsel for the

petitioner that petitioner could not surrender in pursuance to the order dated 30.08.2012 since neither the order was communicated to the Court below nor to the petitioner.

Considering the fact that for modification of the order dated 30.08.2012 the present modification application has been preferred after more than four years on 27.10.2016, this Court is not inclined to interfere. However, keeping in view of the present stand of the petitioner that petitioner has not performed second marriage and is still ready to keep the complainant with dignity and honour, it is a case for consideration of prayer for bail by the learned Court below, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 568 of 2010, pending in the Court of learned Judicial Magistrate, 1st Class, Rosera, Samastipur.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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