

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32446 of 2015

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Jitendra Kumar Jha @ Jitendra Jha, S/o Achchuta Nand Jha, Resident of
Village - Bhandar, P.S. - Dhaka, District - East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Archana Devi, D/o Late Cheddi Thakur, R/O Village + P.O. Bishanpur
Taiyab, Tehsil – Jajuar Muzaffarpur, Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vinay Mistry, Advocate

For the Opposite Party : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 01-08-2016

Heard both sides.

The petitioner was granted provisional bail for six months vide order dated 27.03.2014 passed in Cr. Misc. No. 30856 of 2013.

The petitioner has filed this petition for modification of the order dated 27.03.2014 passed in Cr. Misc. No. 30856 of 2013 by releasing the petitioner on conditions imposed by this Court. It appears that the petitioner was granted provisional bail for six months in connection with Dhaka P.S. Case No. 148 of 2012, subject to the condition that the petitioner shall keep the complainant with due dignity and honour at his place of posting and the trial Court after being satisfied that both are living together during this period shall confirm the bail bond of the petitioner.

The learned counsel for the petitioner submits that



the petitioner surrendered in the Court below on 10.04.2014 and on the same day he was granted provisional bail. It is submitted that since then the petitioner has been trying to take his wife to his own place but the wife of the petitioner did not appear in the Court and petitioner could not be able to take her with him. It is further submitted that even vide order dated 16.01.2015, the learned Court below found that the complainant did not appear in the Court so that the petitioner could not be able to take her with him. The petitioner filed petition for confirmation of his provisional bail.

On the other hand, the learned counsel for the wife-complainant submitted that complainant was always ready to go along with her husband but the husband did not take her.

It appears from the order-sheet itself that whenever the petitioner appeared in the learned Court below the complainant did not appear and the petitioner could not be able to take his wife with him. Even vide order dated 16.01.2015, no order was passed on the provisional bail of the petitioner.

Accordingly, the petition for modification is disposed of with a direction to the learned Court below that the learned Court below shall take efforts for resolution of the dispute between the husband and the wife within three months and if the dispute is resolved and the petitioner takes his wife with him and

keeps her properly, the learned Court below shall pass order on the provisional bail of the petitioner. No further adjournment shall be granted to any party either wife or husband.

(Prabhat Kumar Jha, J.)

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