

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49249 of 2016

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Pawan Kumar @ Pawan Kumar Sah S/o Mani Lal Sah resident of Mohalla-
Bich Bazar, Mahiuddin Nagar, P.S.- Mohiuddin Nagar, District-
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Veena Devi W/o Pawan Kumar @ Pawan Kumar Sah presiding residing
as D/o Shiv Shankar Sah, resident of Mohalla- Harnichak, P.S.- Beur, Town
& District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-11-2016

It appears that in the second page of the order dated
10.07.2015 passed in Cr. Misc. No. 24803 of 2015, the date of
appearance of both sides was inadvertently typed as 3rd August,
2014 in stead of 3rd of August, 2015. Hence it should be read as 3rd
of August, 2015.

The present application has been filed for
modification of the order dated 10.07.2015 passed in Cr. Misc.
No. 24803 of 2015 to the extent of confirmation of provisional
bail granted to the petitioner in connection with Complaint Case
No. 27612C of 2014 wherein process was directed to be issued
after cognizance being taken for the offences punishable under
Sections 498 of the IPC and 3/4 of the Dowry Prohibition Act,

pending in the court of learned SDJM, Patna.

The petitioner was granted provisional anticipatory bail on his submission that he has filed Matrimonial Suit No. 175 of 2014 for restitution of conjugal life and is also ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 8 of the main application which reads as follows:-

“That the petitioner being the husband of the complainant is always ready to keep her with full dignity and honour and for which he has filed a matrimonial case being no. 175 of 2014 U/S 9 of the Hindu Marriage Act before the court of learned Principal Judge, Family Court, Samastipur.”

On the joint submission of the parties that they will appear before the learned court below on 3rd of August, 2015 the petitioner was granted provisional anticipatory bail for one year which was to be confirmed by the learned court below on three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It appears from the order dated 26.09.2016 passed by learned SDJM, Patna, as contained in Annexure-2, that the

petitioner has not made effort either to get the issue reconciled or to get the provisional bail confirmed.

Since the period of provisional bail lapsed on 09.07.2016 and the present modification application has been preferred on 15.11.2016, this Court is not inclined to modify the order dated 10.07.2015 passed in Cr. Misc. No. 24803 of 2015.

However, It is submitted by the learned counsel for the petitioner that that the petitioner is still ready to keep the complainant as wife with full dignity and honour. In that view of the matter, the court may consider the prayer for bail of the petitioner if he surrenders within a period of six weeks.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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