

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.597 of 2016

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Md. Naushad, S/o Firoz Alam, resident of village- Kutkuri, Police Station-
Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 03-02-2016

The present application has been filed for modification of order dated 22.07.2015 passed in Cr. Misc. No. 32762 of 2015 to the extent that now the petitioner and opposite party no. 2 are residing together. Hence, extend the period of surrender and on surrender the learned court below may grant bail, since the issue has been reconciled between the parties.

It appears that petitioner was granted provisional anticipatory bail vide order dated 13.09.2013 passed in Cr. Misc. No. 24836 of 2013.

It is submitted by the learned counsel for the petitioner that petitioner is ready to keep the informant with due dignity and honour in connection with Rafiganj P.S. Case No. 165 of 2012 registered for the offences punishable under Sections 323, 324, 341, 498A/34 of the Indian Penal Code.

The provisional bail was to be confirmed by the

learned court below in three eventualities:-

- (i) if the matrimonial harmony is substantially restored or
- (ii) if the informant deliberately refuses to reside with the petitioner of
- (iii) if the informant fails to appear before the learned court below.

Subsequently Cr. Misc. No. 32762 of 2015 was preferred for modification of the order dated 13.09.2015 passed in Cr. Misc. No. 24836 of 2013, the same was disposed of since the period of provisional bail lapsed on 12.09.2014 and modification application was filed on 16.07.2015.

In that view of the matter, the Court is not inclined to entertain the modification application.

However, learned court below consider the prayer for regular bail of the petitioner, keeping in view of the stand of the petitioner that petitioner has reconciled the issue with opposite party no. 2.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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