

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40550 of 2016

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1. Kaushlendra Prasad S/o Late Ramchandra Prasad R/o Village -
Punchsheel Nagar, P.S. - Barh, Dist. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2016

The present modification application has been filed for modification of the order dated 24.08.2015 passed in Cr. Misc. No. 34638 of 2015 to the extent of extending the period of provisional anticipatory bail granted to the petitioner for one year in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406, 420 of the Indian Penal Code.

The petitioner being husband of the complainant was granted provisional anticipatory bail for one year on submission of the counsel for the petitioner that petitioner is ready to keep the complainant with dignity and honour. A statement to that effect has been made in para 11 of the main petition which reads as follows:-

“That petitioner is

ready to keep the complainant as wife with full

love and dignity.”

The provisional bail of the petitioner was to be confirmed within one year by the learned Court below in 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 is submitted by learned counsel for the petitioner that the issue could not be reconciled as the parents of the petitioner are not allowing the petitioner to keep his wife in the house and petitioner is looking for a suitable accommodation somewhere else.

Considering the fact that for modification of the order dated 24.08.2015, the present modification application has been filed on 16.09.2016 after expiry of the period of provisional bail, this Court is not inclined to modify the earlier order. Let learned Court below consider the prayer for bail of the petitioner, keeping in view the present stand of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 680C of 2013, pending in the Court of learned Additional Chief Judicial Magistrate, Barh.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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