

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24484 of 2016**

Arising Out of PS.Case No. -73 Year- 2012 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Devendra Prasad son of Dharmendra Prasad, resident of Mohalla- Pakki  
Goraiya, P.O.- Ghauganj, P.S.- Khajekalan, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Sushma, wife of Devendra Prasad, presently residing at C/o Ashok  
Kumar Sah, Village- Vidupur Bazar, P.S.- Bidupur, District- Vaishali

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar Sinha

For the Opposite Party/s : Mr. Rajendra Singh Shastri(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

02/ 17-08-2016

Heard learned counsels for the petitioner  
and the State.

The present application has been filed for  
modification of the order dated 13.09.2013 passed in Cr. Misc.  
No. 24802 of 2013 to the extent of confirming the provisional  
anticipatory bail granted to the petitioner.

The petitioner was granted provisional  
anticipatory bail for one year in Bidupur P.S. Case No. 73 of  
2012 registered under Sections 498A/34 of the Indian Penal  
Code. The petitioner being the husband of the informant  
expressed his willingness to keep the informant as wife with full  
dignity and honour. The offer was accepted by the informant and

both sides agreed to appear before the learned court below on 22<sup>nd</sup> of October, 2013 when the petitioner was supposed to take the informant to her matrimonial house to keep her as wife with full dignity and honour. 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 or (iii) if the informant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that the petitioner was ready to keep the informant as wife with full dignity and honour but due to the apathetic attitude of the informant the matrimonial harmony could not be restored.

This Court granted provisional anticipatory bail to the petitioner for one year vide order dated 13.09.2013 which has already lapsed on 12.09.2014 but the present modification application has been filed on 30.05.2016 much after the lapse of the provisional anticipatory bail. In the circumstances, this Court is not inclined to entertain the prayer for modification of the order dated 13.09.2013.

However, keeping in view of the fact that the petitioner has enjoyed privilege of anticipatory bail till date

and it is submitted that the bail bonds of the petitioner has not been cancelled coupled with the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Bidupur P.S. Case No. 73 of 2012 pending in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

Accordingly, this application is disposed of with the above observation/direction.

**(Dinesh Kumar Singh, J)**

DKS/-

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