

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12378 of 2016**

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Rakesh Narayan S/o Sureshwar Narayan, Resident of Mohalla – Laxmi Chowk, P.S. – Brahmpura, District – Muzaffapur.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Mukta Rashmi, daughter of Birendra Kumar Srivastava, Resident of Mohalla – Baria Bus Stand, P.S. Ahiyapur, District – Muzaffarpur.

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

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Karn

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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

**ORAL ORDER**

02/ 06-04-2016

The present application has been filed for modification of order dated 16.10.2012 passed in Cr. Misc. No. 39345 of 2012 to the extent of confirming the provisional bail granted to the petitioner.

The petitioner was granted provisional anticipatory bail for one year vide order dated 16.10.2012 passed in Cr. Misc. No. 39345 of 2012 in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act. The provisional bail was granted to the petitioner on the readiness of the petitioner being the husband of the informant that he is ready to keep the informant as wife with full dignity and honour. The provisional bail was to

be confirmed by the learned court below in three eventualities, if the matrimonial harmony is restored substantially within one year or the wife deliberately refuses to reside with the petitioner or she fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that till date the bail bonds of the petitioner has not been cancelled and the order dated 23.05.2015 of the learned court below reflects that the petitioner has made prayer that he is still ready to keep the informant as wife with dignity and honour and statement to that effect has been made in the petition.

Keeping in view of the fact that the present modification application has been filed on 14.03.2016 for modification of order dated 16.10.2012 whereby provisional bail was granted to the petitioner for one year, this Court is not inclined to interfere. But keeping in view of the fact that the petitioner has enjoyed privilege of bail for such a long period and he is still ready to keep the informant as wife with full dignity and honour, this Court sees no reason for the learned court below not to consider the prayer for regular bail of the petitioner, if the petitioner surrender before the learned court below within a period of six weeks from today in connection with Brahmpura P.S. Case No. 76 of 2005 pending in the court of learned Chief Judicial

Magistrate, Muzaffapur. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this modification application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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