

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8116 of 2016

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1. Ram Naresh Rai @ Naresh Rai Son of Satya Narayan Rai Resident of Village- Chanpar Kala, P.S. Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gita Kumari D/o Ram Nath Rai Resident of Village Bahurar, P.S. Nanpur, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-11-2016

The second modification application has been filed for modification of order dated 09.10.2013 passed in Cr. Misc. No. 32694 of 2013 for further extending the period of provisional anticipatory bail for one year.

Petitioner being the husband of the informant was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Section 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act on the submission on behalf of the petitioner that he is ready to keep the informant as wife with full dignity and honour. The learned court below was given liberty to confirm provisional bail of the petitioner in three eventualities i.e.:- 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 the learned counsel for the petitioner that petitioner is still stand by his undertaking and has filed petition to that effect before the learned court below, but the informant deliberately chose not to appear before the learned court below, as a result neither the bail application of the petitioner has been confirmed nor the bail bonds of the petitioner has been cancelled.

Keeping in view of the fact that the provisional anticipatory bail was granted to the petitioner on 09.10.2013 which lapsed on 08.10.2014, whereas the present modification application has been filed on 17.02.2016, this Court is not inclined to interfere. However, the earlier modification application filed on the same ground vide Cr. Misc. No. 50266 of 2014 was disposed of.

However, keeping in view of the present stand of the petitioner that he is ready to keep the informant as wife with full dignity and honour, it is a case for consideration of prayer for bail by learned court below on surrender.

Let the learned court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned court below within a period of six weeks from today in connection with Nanpur P.S. Case No. 122 of 2012, pending in the court of learned Chief Judicial Magistrate, Sitamarhi.

With the above observation this

modification application is disposed of.

(Dinesh Kumar Singh, J)

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