

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9469 of 2016

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1. Randhir Kumar, Son of Late Pawan Thakur, Resident of Village-
Ratnauli, P.S. Maniyari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-03-2016

The present application has been filed for modification of order dated 30.11.2012 passed in Cr. Misc. No. 41449 of 2012 to the extent of confirming the provisional bail granted to the petitioner.

The petitioner was granted provisional anticipatory bail for one year in a Complaint Case No. 2025 of 2011 in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act. The provisional anticipatory bail was granted to the petitioner on the assurance that petitioner is ready to keep the complainant as wife with full dignity and honour. The provisional bail of the petitioner will be confirmed by the learned court below on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses

to reside with the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner made all efforts to reconcile the issue but never order was passed by the learned court below. Ultimately the petitioner has filed a Matrimonial Suit No. 227 of 2011 with a prayer for divorce.

Considering the fact that last order was passed on 30.11.2012 and the present modification application has been filed on 24.02.2016, this Court is not inclined to entertain the prayer.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 20225 of 2011, pending in the court of learned Sub-Divisional Judicial Magistrate, (East), Muzaffarpur.

It is expected that learned court below will dispose of the application for regular bail preferably on the same day.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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