

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36134 of 2016

=====

1. Md. Sahabuddin @ Md. Shahabuddin S/o Md. Mobarak resident of
Village-Chanda saman Tola, P.S. Puraini, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Saruna Khatoon W/o Md. Shahabuddin D/o Md. Mustak resident of
Village-Chanda saman Tola, P.S. Puraini, District- Madhepura

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2016

The present application has been filed for modification of the order dated 25.08.2015 passed in Cr. Misc. No. 37137 of 2015 for confirmation of provisional anticipatory bail granted to the petitioner for a period of one year.

The petitioner being husband of the complainant was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Sections 323, 498A, 504 of the Indian Penal Code on the readiness of the petitioner and the complainant to appear before learned Court below on 8th of September, 2015 when petitioner was supposed to take the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be

confirmed by learned Court below in three eventualities (i) on substantial restoration of matrimonial harmony (ii) or if the complainant gets reluctant to reconcile the issue (iii) or if the complainant fails to appear before learned Court below.

It is submitted by learned counsel for the petitioner that complainant neither appeared before the High Court nor before learned Court below in pursuance to the order of this Court. It is further submitted that till date the provisional bail of the petitioner has not been confirmed by learned Court below though one of the conditions for confirmation of provisional bail was none appearance of the complainant before learned Court below. It is also submitted that bail bonds of the petitioner has still not been cancelled.

Considering the fact that period of provisional bail has still not been expired, the order dated 25.08.2015 passed in Cr. Misc. No. 37137 of 2015 is modified to the extent that provisional bail of the petitioner is extended by 5th of October, 2016.

It is expected from learned Court below to pass appropriate orders in terms of the conditions as stipulated in the order dated 25.08.2015 passed in Cr. Misc. No. 37137 of 2015.

The order dated 25.08.2015 passed in Cr. Misc. No. 37137 of 2015 stands modified to the extent as indicated above.

Accordingly the modification application is disposed off in connection with Complaint Case No. 736 of 2013, pending in the Court of learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--