

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49256 of 2016

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Shahin Raza son of Mahfuz Raza resident of Village- Garhani, Police
Station- Charpokhari, District- Bhojpur, Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jeba Parvin D/o Md. Rayajuddin Khan resident of Village- New Arwal,
P.S.- Arwal, District- Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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

ORAL ORDER

04/ 14-12-2016

Heard learned counsels for the petitioners,

State and opposite party no.2.

The present application has been filed for
modification of the order dated 06.11.2015 passed in Cr. Misc.
No. 52089 of 2015 to the extent of confirming the provisional
anticipatory bail.

The petitioner being the husband of the
informant was granted provisional anticipatory bail in a case
registered for the offences punishable under Sections 498A/34 of
the Indian Penal Code and 3/4 of Dowry Prohibition Act on the
submission and averment in paragraph 7 of the main petition that
he is ready to keep the informant as wife with full dignity and



honour, which reads as follows:-

“That in this connection it is relevant to state here that the petitioner is husband of the informant and he is still ready to keep his wife with full honour and dignity.”

The learned court below was supposed to issue notice to the informant for her appearance. On her appearance, the petitioner was supposed to take the informant 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 (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that learned court below made no effort to get the issue reconciled, though the petitioner filed a petition of taking the informant to matrimonial house on 12.01.2016 but till date the order sheet brought on record suggests that no effort was taken by the learned court below rather the order dated 08.06.2016 of the maintenance case reflects that the informant is not ready to reside with the petitioner. It is further submitted that



even today the petitioner is ready to keep the informant as wife with full dignity and honour.

Counsel for opposite party no. 2-informant submits that the petitioner never took any serious effort to reconcile the issue. The petition dated 12.01.2016 was filed but it was never pressed nor the order sheets records that any effort was taken by the petitioner to press the petition. However, the informant is still ready to resume the conjugal life.

Considering the fact that the period of provisional bail of one year got lapsed on 05.11.2016 whereas the present modification application got registered on 15.11.2016, though it is submitted that the bail bond of the petitioner has not been cancelled, this Court is not inclined to modify the order dated 06.11.2015. However, in view of the present stand of the parties, the petitioner has a case for consideration of bail by the learned court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Arwal Mahila P.S. Case No. 23 of 2015 pending in the court of learned Chief Judicial Magistrate, Arwal.

It is expected from the learned court below to grant provisional bail to the petitioner when fixed a date for



appearance of the informant when the petitioner will take her to keep as wife to matrimonial house with full dignity and honour and the provisional bail will be confirmed by the learned court below on being satisfied that the matrimonial harmony has been restored.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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