

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13948 of 2016

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Mintu Kumar Mahto, Son of Shankar Mahto, resident of Village-
Mushahari, P.S.- Khodawandpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi, Daughter of Ram Bahadur Mahto, wife of Mintu Kumar Mahto, resident of Village- Shamsha, Jamedipur Tola, P.S.- Mansurchak, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. B.Ram (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 27.03.2015 passed in Cr. Misc. No. 12845 of 2015 for confirmation of the provisional anticipatory bail.

The petitioner was granted provisional anticipatory bail for one year in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 379 of the Indian Penal Code and 4 of Dowry Prohibition Act. The provisional bail was granted to the petitioner on the readiness of the petitioner being the husband of the complainant that he is ready to keep the complainant as wife with full dignity and

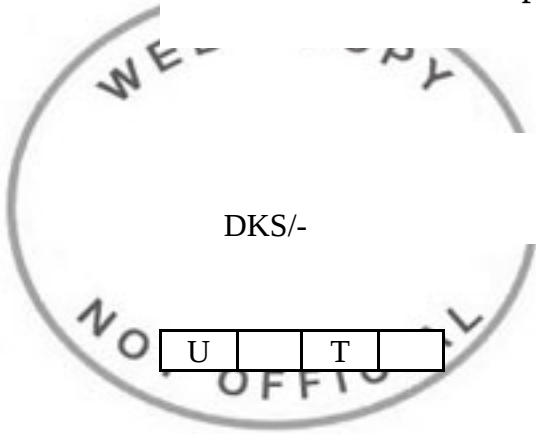
honour. The provisional bail was to be confirmed by the learned court below in three eventualities:- (i) if the matrimonial harmony is substantially restored; (ii) or if the complainant fails to appear before the learned court below; and (iii) or if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the matrimonial harmony has not been restored due to non-cooperation of the complainant and the father of the petitioner has been confined for two days at the behest of the complainant side.

Since the provisional bail was granted to the petitioner vide order dated 27.03.2015 whereas the present modification application has been filed on 29.03.2016, this Court is not inclined to interfere. But keeping in view of the nature of accusation and the stand of the petitioner, 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 Complaint Case No. 1873 of 2013 pending in the court of learned Sub-divisional Judicial Magistrate, Begusarai. 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)