

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37519 of 2014

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1. Arun Mandal Son of Lala Mandal Resident of Village- Kaniyari, P.S.-
Halsi, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 20-01-2016

The present application has been filed for modification of the order dated 29.01.2013 passed in Cr. Misc. No. 48974 of 2012, wherein the petitioner was granted provisional anticipatory bail for one year on readiness of the petitioner to keep the informant as wife with full dignity and honour in a case registered for the offences punishable under Sections 498A, 494 of the Indian Penal Code. The provisional bail of the petitioner was to be confirmed by learned Court below in three eventualities, 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 learned Court below.

I.A. No. 2339 of 2014 has been filed for setting aside the order dated 22.05.2014 passed by learned Judicial Magistrate, Lakhisarai in connection with the present case, whereby the non-bailable warrants of arrest has been

issued.

The basic accusation is of torture and performing second marriage.

It appears that the petitioner failed to appear on the date fixed for framing of the charge. Hence, after cancelling the bail bonds, non-bailable warrants have been issued.

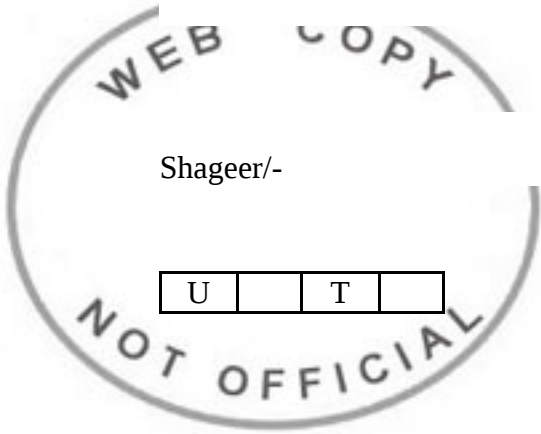
It is submitted by learned counsel for the informant that the issue has not been reconciled.

It is submitted by learned counsel for the petitioner that though matrimonial harmony could not be restored due to the apathetic attitude of the informant but petitioner is still ready to keep the informant with full dignity and honour. It is further submitted that petitioner has not performed second marriage. Learned counsel for the informant, on instruction submits that informant is ready to accept the offer of the petitioner.

Considering the fact that the period of provisional bail has expired and the bail bonds of the petitioner has been cancelled, this Court is not inclined to interfere.

Accordingly the present modification application as well as I.A. No. 2339 of 2014 are disposed off with liberty to the learned Court below to consider the prayer for regular bail/provisional bail to the petitioner and take some sincere effort to reconcile the issue, keeping in view of the

present stand of the parties, if the petitioner surrenders within
a period of four weeks and pray for regular bail.



(Dinesh Kumar Singh, J)