

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18497 of 2016

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1. Anjani Kumar @ Arjun Kumar Son of Arun Kumar Resident of Mohalla - Sardar Patel Nagar, Maurya Vihar Colony Kumhrar, P.S. Alamganj, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Ritu Kumari Wife of Anjani Kumar @ Arjun Kumar and Daughter of Surendra Nath resident of Mohalla - Bakarganj, Bajaja Gali, P.S. Pirbahore, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-08-2016

Learned counsel for the

petitioner is permitted to make correction in paragraph-5 of the petition during course of the day.

The present application has been filed for modification of the order dated 31.03.2015, passed in Cr. Misc. No. 13169 of 2015 to the extent of extending the period of provisional bail.

The petitioner being the husband of the complainant was granted provisional anticipatory bail in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 498A, 120B/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.



The provisional anticipatory bail for one year was granted to the petitioner on submission of statement made in para-9 of the petition that petitioner is ready to keep the complainant as wife with full dignity and honour. The petitioner has filed Matrimonial Suit for restitution of conjugal life. The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by the learned counsel for the petitioner that issue could not be resolved due to apathetic attitude to the complainant.

Since, the petitioner was granted provisional anticipatory bail for one year on 31.03.2015 which lapsed in March, 2016, but the present modification application has been filed on 26.04.2016, this Court is not inclined to entertain the present modification application.

However, in view of the fact that petitioner has enjoyed the privilege of provisional anticipatory bail for a petty long time and statement has been made in para-6 of the petition that petitioner is making payment of maintenance amount of Rs. 11,000/- per month, it is a case for consideration of prayer for regular bail.

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. 25837C of 2014, pending in the court of learned Chief Judicial Magistrate, Patna.

With the above observation this modification application is disposed of.

(Dinesh Kumar Singh, J)

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