

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30012 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Nawada

Deepak Vishkarma @ Dipak Vishwakarma Son of Suraj Vishkarma, resident of Mohalla- Lohapatti (Giridih), Police Station- Giridih, District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puja Devi Wife of Dipak Vishwakarma, resident of Mohalla- Lohapatti (Giridih), Police Station- Giridih, District- Giridih (Jharkhand), Presently Address- Daughter of- Vasudeo Vishwakarma, Resident of Mohalla- Ram Nagar Nawada, Police Station- Nawada, District- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar
For the Opposite Party/s : Mr. SRI ANANT KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-09-2017 This matter is being taken up out of turn on the request of learned counsel for the petitioner through mentioning slip.

Heard learned counsels for the petitioner and learned APP the State.

The petitioner being the husband of the informant- Opposite Party No. 2 has preferred the present application for modification of the order dated 4.1.2016 passed in Cr. Misc. No. 58085 of 2015 to the extent of confirming the provisional bail or extending the period of provisional bail.

The petitioner was granted provisional anticipatory bail for one year in a case registered for the offences punishable under



Sections 498A,406,379 and 307 of the Indian Penal Code on the submission and statement in paragraph 9 of the petition that the petitioner is ready to keep the informant with full dignity and honour. The learned court below was supposed to issue notice to the informant and the petitioner was supposed to take the informant to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by the learned court below in three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

It appears that the provisional bail of the petitioner got lapsed on 3.1.2017 whereas the present modification application has been registered on 30.6.2017. Hence, this court is not inclined to revise the earlier order.

However, keeping in view the nature of accusation and the fact that the petitioner was on provisional anticipatory bail for a considerable period, it is a case for consideration of regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Nawada Town (Nagar) P.S. Case No. 738 of 2014 pending in the court of the learned CJM, Nawada.



With the aforesaid observation/direction, this application is
disposed of.

(Dinesh Kumar Singh, J)

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