

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8396 of 2016

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Md. Haidar Ali, Son of Md. Kasim Shekh, Resident of village - Malahi,
P.S. Bela, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajiya Khatoon, Wife of Md. Haider, Resident of village - Malahi, P.S.
Bela, District - Sitamarhi, at Present C/o Aashama Khatoon, P.S. Sonebarsa,
District - Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

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

ORAL ORDER

2 19-07-2017 Heard learned counsel for the petitioner and the

State.

The present application has been filed for
modification of the order dated 13.08.2015 passed in
Cr.Misc.No.33879 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 for six
months in Complaint Case No.C1/355 of 2014, wherein process
has been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A of the Indian Penal Code
and Section 4 of the Dowry Prohibition Act.

The petitioner denied the factum of marriage as a
result the learned Court below was directed to conduct an enquiry



with regard to the factum of marriage between the parties with liberty to confirm the provisional bail if it is prima facie found that the petitioner has never been married with the complainant, otherwise petitioner was directed to surrender in the court below and pray for regular bail.

It is submitted by learned counsel for the petitioner that, at present, both the petitioner and the complainant are residing together. In this background, they could not participate in the enquiry.

In view of the fact that the period of provisional bail has already lapsed on 12.02.2016 whereas the present modification application has been filed on 18.02.2016 and the fact that now the petitioner has changed his initial stand, this Court is not inclined to extend the period of provisional bail.

However, in view of the fact that the petitioner is now residing with the complainant, the learned court below may consider prayer for regular bail, if the petitioner surrenders within a period of six weeks.

This modification application stands disposed of.

Arvind/-

(Dinesh Kumar Singh, J)

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