

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2088 of 2017

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Amir Hussain @ Md. Amir Hussain, son of Md. Zainuddin, resident of
Village - Mohammadpur, P.S. - K. Nagar, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Rubina Khatoon, D/o Abdul Samad, resident of Village - Farizpur,
Dhaneshwari, P.S. - Bhargama, District - Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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

ORAL ORDER

02/ 25-01-2017

The present application has been filed for
modification of order dated 10.12.2015 passed in Cr. Misc. No.
56118 of 2015 for extension of the provisional anticipatory bail
granted to the petitioner.

The petitioner being the husband of the
complainant was granted provisional anticipatory bail in a
complaint case wherein process has been directed to be issued after
cognizance being taken for the offences punishable under Section
498A of the Indian Penal Code. The provisional bail was granted
on submission of the petitioner that he is ready to keep the
complainant as wife with full dignity and honour. Statement to that
effect has been made in paragraph 18 of the main petition, which



reads as follows:

“That the petitioner is yet ready to keep the complainant with full love and dignity.”

In pursuance to this Court’s order the learned court below was supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant to keep her 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 or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled since the complainant is not co-operating.

It appears that the period of provisional bail of the petitioner lapsed on 9.12.2016 when the present modification application has been registered on 20.01.2017. In the circumstances, this Court is not inclined to extend the period of provisional anticipatory bail, but keeping in view of the present stand of the petitioner as stipulated in paragraph 18 of the main petition, it is a case for consideration of prayer for bail, if the



petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1552C of 2013 pending in the court of learned Judicial Magistrate, Ist Class, Araria.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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