

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15481 of 2017

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Raju Kumar @ Amit Kumar @ Amit Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-04-2017 Heard learned counsels for the petitioner and the State.

The present application has been filed for modification of the order dated 17.07.2015 passed in Criminal Miscellaneous No.25852/2015 to the extent of extending the period of provisional bail granted to the petitioner in a case registered under sections 498A, 406, 34 of the Indian Penal Code.

The factual matrix of the case unveils that the petitioner being the husband of the informant was granted anticipatory bail provisionally for one year on readiness to keep the informant 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 (ii) or if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.



It is submitted by learned counsel for the petitioner that in pursuance to the order dated 17.07.2015 the informant resumed the conjugal life with the petitioner and went to Mumbai where she also lodged a case wherein the petitioner was granted bail and thereafter the informant herself deserted the petitioner. It is further submitted that now the bail bond of the petitioner has been cancelled.

Since the period of provisional bail got lapsed on 16.07.2016 and the present modification application has been registered on 28.03.2017, this Court is not inclined to interfere.

However, since the petitioner was granted provisional anticipatory bail on the readiness to keep the informant as wife with full dignity and honour and still he is ready to keep her, this Court sees no reason for the learned court below not to consider the prayer for bail of the petitioner, if he surrenders within a period of six weeks in connection with Uchakagaon P.S. Case No.9 of 2015, pending before the learned Judicial Magistrate, 1st Class, Gopalganj.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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