

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16736 of 2017

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Md. Shahid Son of Md Suhail, Resident of Mohalla-Barkat Khan Ka Akhara, Khajurbana, P.S.-Khajekalan, Dist-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ladli Parveen W/o Md. Shahid, D/o Md. Naim, Resident of Mohalla-Badhpur P.S. Parsa Bajar, Distt.-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate
For the State : Mr. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The present application has been filed for modification of the order dated 21.07.2015 passed in Criminal Miscellaneous No.26869/2015 whereby the petitioner being the husband of the complainant was granted provisional anticipatory bail for one year since the petitioner was ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph 10 of the main petition. The provisional bail of the petitioner was to be confirmed by the learned Court below in three eventualities: (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court below.



It appears that the period of provisional bail got lapsed on 20.07.2016 whereas the present modification application has been registered on 03.04.2017.

In that view of the matter, this Court is not inclined to interfere.

However, keeping in view the nature of accusation the petitioner was granted provisional anticipatory bail on readiness to keep the complainant as wife and he is still ready to keep her, this Court see 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 Complaint Case No.1772C of 2013, pending before the learned SDJM, Patna..

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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