

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13738 of 2017

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1. Md. Tabarak Hussain Son of Md. Idrish Raim, Resident of Village-Manpaur Tole Ustraina, P.S.-Bela, District-sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Samida Khatoon Wife of Md. tabarak Hussain daughter of Wazir Rain
Resident of Village-Manpaur Tole Ustraina, P.S.-Bela, District-sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-03-2017 Heard learned counsel for the petitioner and the State.

The present application has been filed for modification of the order dated 11.04.2016 passed in Criminal Miscellaneous No.15973/2016 to the extent of extending the period of provisional bail.

The basic accusation is of torture.

It was submitted by learned counsel for the petitioner that the petitioner disputes the factum of marriage with the complainant

The petitioner was granted provisional anticipatory bail for four months in connection with Complaint Case No.C-1/763/2015, pending before the learned Judicial Magistrate, 1st Class, Sitamarhi, wherein processes were directed to be issued



after cognizance being taken under sections 341, 323, 498A and 504 of the Indian Penal Code.

The provisional bail of the petitioner was to be confirmed by the learned Court below on conclusion of enquiry if it appears that the petitioner has not performed marriage with the complainant, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

It is submitted by learned counsel for the petitioner that the enquiry has not concluded as yet, but the order dated 03.09.2016 passed by the learned Court below, which has been brought on record, by way of annexure-1, suggests that the complainant failed to produce any witnesses, though, the petitioner filed an application for extension of provisional bail before the learned Court below, but no order has been passed. Learned counsel for the petitioner further submits that till date the bail bond of the petitioner has not been cancelled, though, no statement to that effect has been made in the petition.

Under the circumstances, the provisional bail of the petitioner is extended till conclusion of the enquiry by the learned Court below. On conclusion of enquiry, the learned Court below will pass appropriate order for confirmation of the provisional bail



of the petitioner as stipulated in the order dated 11.04.2016 passed in Criminal Miscellaneous No.15973/2016.

It is made clear that this order will only effective if the bail bond of the petitioner has not been cancelled; otherwise the petitioner will surrender and pray for regular bail.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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