

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12011 of 2017

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Md. Iftikhar Alam Son of Md. Sabbir Alam resident of Simalbari P.S.
Amour, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shahansah Begum wife of Md. Iftekhar Alam, D/o Md. Mofil Resident
of village Simalbari, P.S. Amour, District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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

ORAL ORDER

02/ 16-08-2017

The present application has been filed for
modification of order dated 04.03.2016 passed in Cr. Misc. No.
10923 of 2016 to the extent of extending/confirming the
provisional anticipatory bail granted to the petitioner.

The petitioner being the husband of the
complainant was granted provisional anticipatory bail for six
months in a complaint case, wherein processes have been directed
to be issued after cognizance being taken for the offences
punishable under Section 498A of the Indian Penal Code. The
provisional anticipatory bail was granted to the petitioner on
submission and statement made in paragraph 10 of the petition
that the petitioner is ready to keep the complainant as wife with



dignity and honour. . The provisional bail was to be confirmed on appearance of the complainant by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony within a period of six months (ii) or if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner made all efforts to reconcile the issue but due to the apathetic attitude of the complainant the issue could not be reconciled.

Considering the fact that the period of provisional anticipatory bail got lapsed on 03.03.2017, whereas the present modification application got registered on 08.03.2017, this Court is not inclined to modify the earlier order. However, keeping in view the nature of accusation and the submission made on behalf of the petitioner that he is still ready to keep the complainant as wife with full dignity and honour, 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. 1872 of 2015, pending in the court of learned Sub-Judge, VIth –cum- Additional Chief Judicial Magistrate, Purnea.



Accordingly, this modification application is
disposed of.

(Dinesh Kumar Singh, J)

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