

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53610 of 2016
Arising out of
Criminal Miscellaneous No. 54451 of 2013
Arising out of
P.S. Case No. 262 Year 2013 Thana Munger, Complaint Case, Distt.
Munger.

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Md. Asraf Khan @ Rikki, S/O Md. Asgar Khan, Resident of Mohalla-
Purab Sarai, Kamal Road, P.S.- Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabra Praveen, W/o Md. Asraf, D/o Md. Aashique, Resident of Mohalla -
Purab Sarai, Kamla Road, P.S. - Kotwali, District- Munger.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.
For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2017 Heard both sides.

The petitioner filed this petition for modification of
the order dated 26.10.2016 passed in Cr. Misc. No. 54451/2013.
The prayer for anticipatory bail of the petitioner was earlier
rejected by the aforesaid order dated 26.10.2016.

The petitioner was granted provisional anticipatory
bail vide order dated 07.02.2014 passed in Cr. Misc. No.
54451/2013 as the petitioner was willing to resolve the dispute
with his wife. The petitioner remained on provisional anticipatory
bail till 26.10.2016 when the case was again taken up for hearing
and it was submitted that the petitioner had been paying Rs. 750/-



per month to his wife since the order dated 07.02.2014 and he was ready to settle the dispute once for all. The petitioner was not ready to keep his wife and, therefore, considering the fact that in the meantime on the petition filed by the wife and her children, Maintenance Case No. 398 of 2013, Rs. 3,500/- per month was directed to be paid but the petitioner did not pay the same. Accordingly, Anticipatory Bail Petition of the petitioner was rejected. Now, Sri Nawal Kishore Singh, learned counsel for the petitioner, submits that the petitioner is ready to keep his wife.

Considering the facts aforesaid, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this modification petition is dismissed.

If the petitioner surrenders in the learned court below along with his wife and the learned court below is satisfied that the petitioner is ready and willing to keep his wife, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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