

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5482 of 2017

In
Criminal Miscellaneous No.4764 of 2016

Arising Out of PS. Case No.- Year- Thana- District- Patna

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Amresh Kumar, Son of Pramod Singh, Resident of Village - Sona, P.O. -
Piplawan, P.S. - Nawatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anuradha Devi, D/o Sri Vidaya Bhushan Sharma, Resident of Village -
Mananpur, P.O. - Chhotaki Akawana, P.S. - Ghosi, District - Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-11-2017 Heard learned Counsels for the petitioner, complainant and
learned APP for the State.

The present application has been filed for modification of
the order dated 29.01.2016, passed in Criminal Miscellaneous
No.4764 of 2016, in connection with Complaint Case No.164
of 2012, pending before the learned Judicial Magistrate, 1st
Class, Jehanabad, wherein, process has been directed to be
issued after cognizance being taken for the offences
punishable under Sections 498A/34 of the Indian Penal Code,
whereby, the petitioner, being the husband of the complainant



was granted provisional anticipatory bail for one year, on submission and a statement made in paragraph no.7 of the main petition that the petitioner is ready to keep the complainant as wife with full dignity and honour. The learned Court below was directed to issue notice to the complainant to appear before the Court below and on appearance of the complainant, the petitioner was supposed to take her to matrimonial house and keep her as wife with full dignity and honour. The provisional anticipatory bail of petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored, (ii) or, if the complainant fails to appear before the learned Court below, (iii) or, if the complainant gets reluctant to reconcile the issue.

It is submitted by learned Counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour, but since the complainant failed to appear before the learned Court below, the issue could not reconcile.

Learned Counsel appearing on behalf of the complainant has brought attention of this Court to the various orders of the learned Court below which have been brought on



record by annexing as part of the counter affidavit, filed on behalf of the complainant, to suggest that on most of the dates, the Presiding Officer was on transfer, as a result, she could not appear. This fact has not been disputed by the learned Counsel for the complainant that the bail bond of the petitioner has not been cancelled. However, she is still ready to resume the conjugal life and accepts the offer of the petitioner.

In the circumstances, considering the present stand of the parties, which *prima facie*, suggests that both, the petitioner and the complainant, are ready to resolve the issue. Hence, the in the interest of justice, the order dated 29.01.2016, passed in Criminal Misc. No. 4764 of 2016, is modified to the extent that provisional anticipatory bail of the petitioner is extended till 31st of January, 2018.

Both sides agree to appear before the learned Court below on 20th of November, 2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities:- (i) if the matrimonial harmony is substantially restored (ii) or, if the complainant fails to appear before the learned Court below, (iii)



or, if the complainant gets reluctant to reconcile the issue.

Accordingly, the modification application is disposed
of.

(Dinesh Kumar Singh, J)

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