

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32104 of 2017

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Md. Junaid, son of Md. Akin, resident of Village- Rampur Birit, P.S.
Madhawapur, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 09-08-2017 Heard learned Counsels for the petitioner, informant
and State.

The present application has been filed for
modification of the order dated 16.01.2015, passed in Criminal
Miscellaneous No.1873 of 2015 to the extent of extending the
period of provisional anticipatory bail of the petitioner.

The petitioner, being the husband of informant, was
granted provisional anticipatory bail for one year, in connection
with Madhawapur P.S. Case No.01/2013, pending before the
learned Chief Judicial Magistrate, Madhubani, on submission of
the statement made in paragraph no.13 of the main petition that
the petitioner is ready to keep the informant as wife with full
dignity and honour. Paragraph 13 reads as under :-

“That petitioner is



husband of the informant and he is ready to keep the informant with all respect.”

The learned Court below was directed to issue notice to the informant for her appearance and on her appearance, the petitioner was supposed to take the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail of the 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 informant fails to appear before the learned Court below (iii) or if the informant gets reluctant to reconcile the issue.

It is submitted by learned Counsel appearing on behalf of the petitioner that the issue could not be reconciled due to the apathetic attitude of the informant. However, the petitioner is still ready to keep the informant as wife with full dignity and honour.

Since for modification of the order dated 16.01.2015, the present modification application was filed on 10.07.2017, while the period of provisional bail got lapsed on 15.01.2016, this Court is not inclined to modify the earlier order.

However, let the learned Court below consider the prayer for regular bail of the petitioner, in view of the present



stand of the petitioner that he is still ready to keep the informant as wife with full dignity and honour, if he surrenders within a period of six weeks.

Accordingly the modification application is disposed of.

Ashwini/-

(Dinesh Kumar Singh, J)

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