

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49968 of 2016

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Abhilash Kumar, Son of Late Badri Prasad, Resident of At- Patthar Ki Masjid, P.S.- Sultanganj, District & Town- Patna-800006.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Rani, Wife of Abhilash Kumar, Daughter of Late Binay Krishna at present resident of Ramna Road, P.S.- Pirbahore, District & Town- Patna..

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 11-01-2017

The present application has been filed for modification of order dated 15.05.2015 passed in Cr. Misc. No. 21263 of 2015 to the extent of extending the period of provisional anticipatory bail.

The petitioner being the husband of the complainant was granted provisional anticipatory bail in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act, on submission that the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement



to that effect has been made in paragraph 15 of the main petition.

Considering the above submission of the petitioner, he was granted provisional anticipatory bail for one year. The provisional bail was to be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) 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 issue could not be reconciled due to the latches on the part of the complainant.

Considering the fact that the period of provisional bail of the petitioner has already been lapsed on 14.05.2016 and the present modification application has been filed on 18.11.2016, this Court is not inclined to entertain the present modification application. However, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 3205C of 2011, pending in the court of learned Sub-divisional Judicial Magistrate, Patna.



Accordingly, this modification application is
disposed of.

(Dinesh Kumar Singh, J)

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