

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34889 of 2017

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Deo Narayan Sah, S/o Late Nathuni Sah, R/o Village- Lala Tola Pataura,
P.S.- Motihari Muffasil, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 23-08-2017

The matter has been taken up out of turn for
hearing on the prayer of the learned counsel for the petitioner.

Heard learned counsel for the petitioner and
the State.

The present application has been filed for
modification of order dated 14.03.2012 passed in Cr. Misc. No.
7589 of 2012 to the extent of extending the period of provisional
anticipatory bail granted to the petitioner.

The petitioner, being the husband of the
informant, was granted provisional anticipatory bail for one year
in a case registered for the offences punishable under Sections
498A, 323, 305, 314, 379 and 120B of the Indian Penal Code, on
submission of the petitioner that he is ready to keep the informant



as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed within one year by the learned Court below on substantial restoration of matrimonial harmony or if the informant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner regularly appear before the learned Court below but he could not appear on one day and hence, for one day default vide order dated 13.06.2017 the bail bond of the petitioner has been cancelled.

Considering the fact that the period of provisional anticipatory bail of the petitioner lapsed on 13.03.2013, whereas the present modification application got registered on 24.07.2017, moreover, the petitioner has not challenged the order dated 13.06.2017, whereby the bail bond of the petitioner has been cancelled, this Court is not inclined to revise its earlier order. But, keeping in view the nature of accusation and the fact that the petitioner has remained on provisional bail for a considerable period, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Motihari Muffasil P.S. Case No. 241 of 2011, pending in the Court of learned 6th Additional Chief Judicial



Magistrate, East Chaparan at Motihari.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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