

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3852 of 2017

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Md. Manjar Alam @ Md. Manjur Alam @ Md. Manjar Son of Sk. Domar
Resident of Village Kusaha, P.S. Kasba, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Basika Khatoon Wife of Md.Manjar Alam, D/o Md. Waris Resident of
Village Kusaha, P.S. Kasba, District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 16-08-2017

The present application has been filed for modification of order dated 14.09.2015 passed in Cr. Misc. No. 43604 of 2015 to the extent of extending/confirming the provisional anticipatory bail granted to the petitioner.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for one year in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 406 of the Indian Penal Code and sections 3/4 of Dowry Prohibition Act. The provisional



anticipatory bail was granted to the petitioner on submission and statement made in paragraph 8 of the main petition that the petitioner is ready to keep the complainant as wife. The provisional bail was to be confirmed on appearance of the complainant by the learned Court below in three eventualities:- (i) if the matrimonial harmony is substantially restored or (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 complainant has filed a petition before the learned Court below to the effect that she is ready to reside with the petitioner. The petitioner is still ready to keep the complainant as wife.

Considering the fact that the period of provisional anticipatory bail of the petitioner lapsed on 13.09.2016, whereas the present modification application got registered on 28.01.2017, this Court is not inclined to modify the earlier order. However, in view of the present stand of the petitioner and the complainant, 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 Complaint Case No. 351 of 2014, pending in the



Court of learned Sub-divisional Judicial Magistrate, Purnea.

Accordingly, this modification application is
disposed of.

DKS/- **(Dinesh Kumar Singh, J)**

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