

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52783 of 2016

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Ajay Yadav @ Ajay Kumar Yadav son of Sri Nawal Yadav @ Nawal Kishore Yadav resident of village - Pathari Ghat, Hospital Road, Bettiah, P.S. - Bettiah Town, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nandlal Yadav son of Late Dhup Yadav
3. Ravita Kumari daughter of Nandlal Yadav O.P. Nos. 2 and 3 residents of village - Bagahi Lamuiya Tola, P.S. - Bairiya, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-05-2017 This application has been filed for modification of the order dated 18.02.2016 passed in Cr. Misc. No. 41360 of 2015 for extension of period of provisional bail or to confirm the provisional bail of the petitioner which was granted by this Court by the aforesaid order dated 18.02.2017.

On submission on behalf of the petitioner that the petitioner disputes the factum of marriage the petitioner was granted provisional bail for six months with condition which reads as “the learned court below would decide the issue of factum of marriage as preliminary issue. If the learned court below comes to a conclusion that the petitioner has not performed marriage with the daughter of the informant then the provisional bail of the



petitioner will be confirmed by the learned court below, but, if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.”

Notices were issued to Opposite Party nos. 2 and 3 vide order dated 18.02.2016. It appears that vakalatnama has been filed on behalf of Opposite Party no. 2 and 3 but none appears on their behalf.

It is submitted by learned counsel for the petitioner that the issue of factum of marriage as preliminary issue could not be decided within the timeframe of six months, and no steps have been taken by the learned court below for extending the period of such enquiry.

In the facts and circumstances, the provisional bail granted to the petitioner in order dated 18.02.2016 in Cr. Misc. No. 41360 of 2015 is extended for further periods of four months.

It is expected from the learned court below to conclude the proceedings of Bairiya P.S. Case No. 100 of 2015 expeditiously. The provisional bail will be confirmed by the learned court below if the court below decides the issue of factum of marriage as preliminary issue and if the learned court below comes to a conclusion that the petitioner has not performed marriage with the daughter of the informant but, if the learned



court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

With the aforesaid observations the modification application stands disposed of.

(Dinesh Kumar Singh, J)

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