

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53616 of 2016

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Manoj Kumar @ Manoj Kumar Singh, son of Satendra Singh, Resident of
Village- Chhithanawan, Police Station- Maner, District- Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Juli Kumari, Wife of Manoj Kumar and daughter of Chandra Bhushan
Singh Resident of Village- Chhithanawan, Police Station- Maner,
District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-03-2017 Heard.

The present application has been filed for
modification of the order dated 31.03.2016 passed in Criminal
Miscellaneous No.35319/2015 whereby the petitioner was
granted provisional bail in connection with Complaint Case
No.26789 C/2014, pending before the learned SDJM, Patna,
wherein the process has been directed to be issued after
cognizance being taken under sections 323, 498A/34 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The provisional bail of the petitioner was to be



confirmed by the learned Court below on payment of one time settlement amount of Rs.3,50,000/- to the complainant opposite party no.2 through bank draft.

It is submitted by learned counsel for the petitioner that the amount of Rs.3,50,000/- has been paid to the complainant but with some delay. It is further submitted that the complainant is not appearing in the Matrimonial Suit No.708/2016 regularly.

Mr. Gajendra Kumar Singh, learned counsel for the complainant submits that the complainant has received the entire payment and hence she is not opposing the prayer of the petitioner. A statement to that effect has been made in paragraph no.5 of the supplementary affidavit, which reads as under :-

"5. That it is stated that rest till the last date fixed in the case on 27.02.2017, the provisional bail of the petitioner has not been cancelled by the Court below."

It is further submitted that the complainant undertakes to appear regularly in the matrimonial suit.

Under the circumstances, the order dated 31.03.2016 is modified to the extent by extending the provisional bail of the petitioner till 31st of March, 2017.

The learned Court below is expected to pass appropriate order to confirm the provisional bail of the petitioner



in view of the present stand of the complainant.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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