

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48325 of 2017

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Chandan Yadav, S/o Arun Yadav, Resident of Village-Khari (Uttarbari Tola), P.S.-Murliganj, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi, W/o Chandan Yadav, and D/o Badri Yadav, Resident of Village-Khari (Dakkhinwari Tola), P.S.-Murliganj, District-Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 08-11-2017

Heard learned senior counsel for the petitioner

and learned APP for the State.

The present application has been filed for modification of order dated 10.02.2016 passed in Cr. Misc. No. 6617 of 2016 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the complainant-opposite party no. 2 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 offence punishable under Section 498A of the Indian Penal Code. The provisional anticipatory bail was granted to the petitioner on the submission that he is ready to keep the



complainant-opposite party no. 2 as wife with full dignity and honour and statement to that effect has been made in paragraph 11 of the main petition. The learned Court below was supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed 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. The provisional anticipatory bail of the petitioner was further extended till 31st of May, 2017.

Learned senior counsel for the petitioner drew my attention to the order dated 31.05.2017 of the learned Court below which suggests that the petitioner made attempt to reconcile the issue and is still ready to keep the complainant as wife with full dignity and honour but the issue could not be reconciled due to the adamant attitude of the complainant.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 31.05.2017 whereas the present modification application has been filed on 04.10.2017, moreover the order of learned Court below



dated 31.05.2017 suggests the lack of bona fide in the offer of the petitioner, this Court is not inclined to modify the earlier order. However, keeping in view the nature of accusation and the fact that the order of the learned Court below dated 31.05.2017 suggests the participation of the petitioner in mediation and attempt to reconcile the issue, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 149 of 2015, pending in the Court of learned ACJM-III, Madhepura.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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