

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47888 of 2017

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Navneet Kumar, Son of Nityanand Prasad, resident of Mohalla- Mathurasini Bhawan, New Hajipur, Opposite Radha Cold Storage, P.S.- Bihar Sharif, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kalpana Kumari, W/o Navneet Kumar, Daughter of Premchand Prasad, Resident of Village- New Godown, Jhilganj, Thakurwari Lane, P.S.- Kotwali, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Verma

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 08-11-2017

Heard learned counsel for the petitioner and learned APP for the State.

The present application has been filed for modification of order dated 20.05.2016 passed in Cr. Misc. No. 22675 of 2016.

The petitioner, being the husband of the complainant-opposite party no. 2 was granted provisional anticipatory bail for four months 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 12 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) On substantial restoration of the matrimonial harmony or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant gets reluctant to reconcile the issue.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 19.09.2016 whereas the present modification application has been filed on 03.10.2017, this Court is not inclined to modify the earlier order. However, keeping in view the fact that the submission of the learned counsel for the petitioner is that the complainant is residing with the petitioner, 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. 1805 of 2015, pending in the Court of learned SDJM, Gaya.



Accordingly, this modification application is
disposed of.

(Dinesh Kumar Singh, J)

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