

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55255 of 2016

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1. Naseem Khan @ Naseem Ahmad, S/o Motahir Khan @ Mojahiruddin Ahmad, Resident of village- Inarwa, P.S.- Ramgarhawa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabhah Praveen, W/o Naseem Khan @ Naseem Ahmad, D/o Javed Khan, Resident of village- Banjaria, P.S.- Banjaria, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2017

The present application has been filed for modification of the order dated 20.06.2016 passed in Cr. Misc. No. 24957 of 2016 to the extent of extending the period of provisional anticipatory bail.

The petitioner being husband of the complainant was granted provisional anticipatory bail for six months in a complaint case wherein process were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and ³/₄ of the Dowry Prohibition Act. The petitioner was granted bail on readiness of the petitioner to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner is the



husband of the complainant and he is ready to keep the complainant with full dignity and honour.”

The provisional bail of the petitioner was to be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before learned Court below or (iii) if the complainant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that petitioner filed a petition before learned Court below for getting the issue reconciled but a petition was filed on behalf of the complainant that she is suffering from jaundice. Hence, she wants to reside at her parents' house. The said application has been brought on record as Annexure-3 of the modification application. It is further submitted that the present application has been filed within subsistence of the anticipatory bail and the bail bonds of the petitioner has still not been cancelled.

In the circumstances, the order dated 20.06.2016 passed in Cr. Misc. No. 24957 of 2016 is modified to the extent that the provisional bail granted to the petitioner is extended till 30th of June, 2017.

It is expected from the learned Court below to issue notice to the complainant for her appearance when the petitioner will be obliged to comply the undertaking given before this Court as stipulated in the order dated 20.06.2016



passed in Cr. Misc. No. 24957 of 2016.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities as recorded in the order dated 20.06.2016 passed in Cr. Misc. No. 24957 of 2016.

Accordingly the modification application is disposed of in connection with Complaint Case No. C-21 of 2015(Trial No. 6110/2015), pending in the Court of learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran.

(Dinesh Kumar Singh, J)

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