

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40237 of 2016

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Shivendra Pratap Rao Son of Sri Mahendra Pratap Rao Resident of Village - Mundera, Police Station -Tarkulva, District - Devariya (U.P.), presently Flat no. 603, Maharaja Kameshwar Complex, Frazer Road, Police Station - Kotwali, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neha Singh Wife of Sri Shivendra Pratap Rao, Daughter of Late Vishun Govind Rao Resident of Village - Mundera, P.S. - Tarkuilwa, District - Deoria (U.P.) presently C/o Neha Singh, Daughter of Late Vishnu Govind Rao, Resident of Mohalla - Ishwar Colony, Sita Chowk, Baghmali, Police Station - Hajipur Town, District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-01-2017 The present application has been filed for modification of the order dated 18.03.2016 passed in Cr. Misc. No. 11658 of 2016 to the extent of extending the 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 2 of the supplementary affidavit which reads as follows:-

“That the petitioner is ready to keep
his wife(Opp. Party No. 2) with honour and dignity.”

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 in pursuance of the order, the petitioner appeared before learned Court below and expressed his willingness to keep the complainant as wife in the matrimonial house, but a petition was filed on behalf of the complainant putting certain conditions for resumption of the conjugal life. Hence, the issue could not be reconciled due to the apathetic attitude of the complainant. 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.

It is submitted by learned counsel for the complainant that complainant is still ready to resume the conjugal life but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before learned



Court below on 6th of February, 2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

It is submitted by learned counsel for the petitioner that petitioner will withdraw the matrimonial suit filed with a prayer for dissolution of marriage within a period of four weeks.

In view of the present stand of the parties, the order dated 18.03.2016 passed in Cr. Misc. No. 11658 of 2016 is modified to the extent that the provisional bail granted to the petitioner is extended till 20th of March, 2017. The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities as recorded in the order dated 18.03.2016 passed in Cr. Misc. No. 11658 of 2016.

Accordingly the modification application is disposed of in connection with Complaint Case No. 1745 of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur.

(Dinesh Kumar Singh, J)

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