

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53360 of 2017

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Sabir Ansari, Son of Md. Mannan, Resident of Village – Khodi Diuliya,
P.S. – Shikarpur, District – West Champaran. Petitioner/s

Versus

1. The State of Bihar.
 2. Shahjahan Khatoon, Wife of Sabir Ansari, Daughter of Shaukat Ali,
Resident of Village – Mastan Tola, Ward No. 24, P.S. – Bagaha, District
– West Champaran. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Smt. Meena Singh

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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 25.07.2016 passed in Cr. Misc. No. 30821 of 2016 to extent of extending/confirming the provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant-opposite party no. 2, was granted provisional anticipatory bail for six months in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. The provisional anticipatory bail was granted to the petitioner on the submission that he is ready to keep the informant-opposite party no. 2 as wife with full dignity and honour and statement to that effect has been made in paragraph 9 of the main petition. The



learned Court below was supposed to issue notice to the informant and on her appearance the petitioner was supposed to take the informant to keep her as wife with full dignity and honour. The provisional anticipatory 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 informant fails to appear before the learned Court below or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to this Court order the petitioner went to the house of O.P. No. 2 where he was assaulted and a case was registered against him being Bagaha P.S. Case No. 324 of 2016 registered for the offences punishable under Sections 147, 341, 323, 448, 504, 506, 379 and 354B of the Indian Penal Code and the petitioner was taken into custody but subsequently he was released on bail.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 24.01.2017 whereas the present modification application has been filed on 06.11.2017, moreover, in the meantime, petitioner was taken into custody, this Court is not inclined to modify the earlier order. However, keeping in view the fact that the petitioner made



attempt to reconcile the issue and the informant is reluctant 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 Bagaha Mahila P.S. Case No. 10 of 2016, pending in the Court of learned SDJM, Bagaha, West Champaran.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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