

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47219 of 2016

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Vijay Kumar Kushwaha Son of Ram Jeevan Mahto resident of Village-
Gangaur, P.S.- Harlakhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anju Devi wife of Vijay Kumar Kushwaha, Daughter of Ram Deo Mahto resident of Village- akarampur, P.S.- Bisfi (Patauna), District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 19-07-2017

The present application has been filed for modification of order dated 28.08.2015, passed in Cr. Misc. No. 37566 of 2015, to the extent of extending the period of provisional anticipatory bail.

The petitioner being the husband of the informant, was granted provisional anticipatory bail in a case registered for the offences punishable under Sections 323, 498A and 504/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, for one year, on the submission of the petitioner that he is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 2 of the supplementary affidavit filed in the main petition, which reads



as follows:-

“That in this case petitioner is husband and he is ready to keep his wife with all respect.”

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 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 the order of this Court, the petitioner took the informant to her matrimonial house, but the matrimonial harmony could not be restored due to the apathetic attitude of the informant. The petitioner is still ready to keep the informant as wife with full dignity and honour.

It appears that the period of provisional bail got lapsed on 27.07.2016, when the modification application is registered on 26.10.2016.

In the circumstances, this Court is not inclined to modify the earlier order. However, in view of the present stand of the petitioner, let the learned Court below consider the prayer for bail of the petitioner, if, the petitioner surrenders before the learned Court below within a period of six



weeks from today, preferably, on the same day, in connection with Harlakhi P.S. Case No. 58 of 2015, pending in the Court of learned Judicial Magistrate, Ist Class, Madhubani.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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