

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1710 of 2017

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Praveen Kumar, son of Sri Parmanand Singh, resident of Village- Deo Gaon
P.S.- Khanpur and District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dipti, daughter of Sri Awadh Narayan Singh,
Resident of Mohalla- New Mubarakpur, Chandmari Road, Ward No.07,
Danapur Cantt, P.S.- Sahpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate
For the State : Mr. Sri Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-04-2017 Heard learned counsel for the petitioner and the State.

The present application has been filed for modification of the order dated 06.09.2016 passed in Criminal Miscellaneous No.34198 of 2016 with a prayer for confirming the provisional anticipatory bail of the petitioner in connection with Complaint Case No. 1343C of 2015.

The factual matrix of the case unveils that the petitioner being the husband of the complainant preferred Criminal Miscellaneous No.34198 of 2016 with a prayer for anticipatory bail in connection with a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal



Code.

It was submitted on behalf of the petitioner that the petitioner admits his marriage with the complainant having no issue. The petitioner also filed Matrimonial Suit No.168/2015 for restitution of conjugal rights. Moreover, the petitioner showed his willingness to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no.4 of the supplementary affidavit, which reads as follows :-

"That the petitioner and his parents are ready and willing to keep the opposite party no.2 with full honour and dignity but the wife of the petitioner does not want to live with him."

The offer of the petitioner was accepted by the complainant. Subsequently, both sides agreed to appear before the learned Court below on 17th of October, 2016 when the petitioner was supposed to take the complainant with him to keep her with full dignity and honour.

Considering the stand of the petitioner parties the petitioner was granted provisional anticipatory bail for four months. The provisional bail of the petitioner was to be confirmed by the learned court below in three eventualities : (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the



complainant fails to appear before the learned Court below.

Learned counsel for the petitioner submits that the issue could not reconcile since the complainant was not appearing on each and every date before the learned court. Moreover, the bail bond of the petitioner has not been cancelled.

It is submitted by learned counsel for the complainant that initially the complainant appeared but since she is a bank employee she could not get leave, hence, could not appear subsequently. But she is ready to resume the conjugal life and she has no objection in extending the period of provisional bail of the petitioner.

Under the circumstances the provisional bail granted to the petitioner vide order dated 06.09.2016 passed in Criminal Miscellaneous No.34198 of 2016, is extended by two months.

Both sides agree to appear before the learned court below on 20th of May, 2017 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

The condition for confirmation of provisional anticipatory bail will remain same, as stipulated in the order dated 06.09.2016 passed in Criminal Miscellaneous No.34198 of 2016.

The order dated 06.09.2016 stands modified to the extent as indicated above.



Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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