

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.569 of 2017

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Gopal Maharaj Son of Sri Bhojraj Maharaj Resident of House No. E 686,
Barra, Police Station - Vishwa Bank Barra, Town and Kanpur (Uttar
Paradesh)

.... Petitioner/s

Versus

1. The State of Bihar. 1
2. Mamta Maharaj Wife of Gopal Maharaj Resident of House No. E 686,
Barra, Police Station- Vishwa Bank Barra, Town and District
Kanpur (Uttar Pradesh). Present Address Daughter of Prabhat Ranjan
Rai, Resident of Village- Chhatrahar, Police Station S Shambhuganj,
District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 22-02-2017

Heard learned counsels for the petitioner,

State and the complainant-opposite party no. 2.

The present application has been filed for
modification of order dated 12.02.2016 passed in Cr. Misc. No.
7274 of 2016.

The petitioner being the husband of the
complainant has been granted provisional anticipatory bail vide
order dated 12.02.2016 passed in Cr. Misc. No. 7274 of 2016 in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offences punishable under
Sections 323, 498A and 504 of the Indian Penal Code on the



submission made on behalf of the petitioner that he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 12 of the earlier petition, which reads as follows:-

“That, it is submitted that the petitioner is still ready to keep the complainant with full dignity and honour.”

The learned court below was supposed to issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

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

It is submitted by learned senior counsel for the petitioner that since the court was not available, hence, no effort was made to get the issue reconciled and by that time the court became available the period of six months of provisional bail has lapsed and ultimately on 05.09.2016 the bail bond of the petitioner was cancelled and subsequently bailable warrant of



arrest was issued and thereafter non-bailable warrant of arrest was issued vide order dated 02.11.2016.

In view of this Court since the period of provisional anticipatory bail got lapsed and the order dated 05.09.2016 by which the bail bond of the petitioner was cancelled has not been challenged, the prayer for modification has become infructuous.

It is submitted by learned senior counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner. The petitioner has been granted provisional anticipatory bail but no effort has been made to reconcile the issue.

It is submitted by learned senior counsel for the petitioner that the petitioner has already filed petition before the learned court below to the effect that the petitioner is ready to resume the conjugal life.

In the circumstances, let the learned Judicial Magistrate, Ist Class, Banka consider the release of the petitioner on bail for four weeks provisionally to make effort to reconcile the issue in connection with Complaint Case No. 1886 of 2013.



Accordingly, this application is disposed of
with the above observation and direction.

(Dinesh Kumar Singh, J)

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