

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39989 of 2017

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Niranjan Yadav Son of Bilas Yadav, resident of Village- Chauhaddi, Police
Statin Bhawanipur (Bihpur) District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumari Daughter of Ram Pukar Yadav Presently residing in
Village- Arariya, Police Station- Maraiya (Parbatta), District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Sri Arun Kumar

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

ORAL ORDER

02/ 06-09-2017

The present application has been filed for
modification of the order dated 05.10.2016 passed in Cr. Misc.
Nos. 41886 of 2016 and 42856 of 2016, whereby the petitioner,
being the husband of the complainant/informant was granted
provisional anticipatory bail for six months in Complaint Case No.
790C of 2013, wherein processes have been directed to be issued
after cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code and Sections 3/4 of the
Dowry Prohibition Act and Naugachia (Mahila) P.S. Case No. 11
of 2015, registered for the offences punishable under Sections
498A, 341, 323, 504, 506/34 of the Indian Penal Code and
Sections 3/4 of Dowry Prohibition Act.



On submission being made and statement to that effect made in paragraph 11 of the petition in Cr. Misc. No. 41886 of 2016 and in paragraph 8 of the petition in Cr. Misc. No. 42856 of 2016 to the extent that the petitioner is ready to keep the complainant/informant as wife with full dignity and honour, the provisional anticipatory bail was granted to the petitioner, when learned Court below was supposed to issue notice to the complainant/informant and on her appearance, the petitioner was to take the complainant/informant to her matrimonial house 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 or (ii) if the complainant/informant fails to appear before the learned Court below or (iii) if the complainant/informant deliberately refuses to reside with the petitioner.

Modification has been sought in Cr. Misc. No. 42856 of 2016 since the petitioner could not surrender in stipulated period.

It is submitted by learned counsel for the petitioner that in connection with Complaint Case No. 790C of 2013, the petitioner furnished bail bond but he could not furnish bail bond in connection with Naugachia (Mahila) P.S. Case No. 11



of 2015 and hence, prayer has been made for extending the period of provisional anticipatory bail of the petitioner as well as the extension of period of surrender.

Considering the fact that the modification application has been registered on 19.08.2017, whereas the period of provisional anticipatory bail got lapsed on 04.04.2017, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Naugachia (Mahila) P.S. Case No. 11 of 2015, pending in the Court of learned SDJM, Naugachia.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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