

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.562 of 2017

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Shahid Akhtar @ Md. Shahid Akhtar, Son of Late Akhtar Hussain, Resident of village – Noorchak, Police Station – Bisfi, District – Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahida Nusrat @ Najui, Wife of Shahid Akhtar, Daughter of Zaffar Ahmad, resident of village – Satghada, P.S. Rahika, District – Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-01-2017

The present application has been filed for modification of order dated 13.05.2015 passed in Cr. Misc. No. 17504 of 2015 to the extent of extending the period of provisional bail.

The petitioner being the husband of the complainant was granted provisional anticipatory bail in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code. The provisional bail was granted on submission that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 7 of the main petition,



which reads as follows:-

“That the petitioner is ready to keep her with full dignity and honour.”

The offer of the petitioner was accepted by the complainant and both sides agreed to appear before the learned court below on 15th of June, 2015 when the petitioner was supposed to 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 (ii) 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 counsel for the petitioner that the complainant has filed petition before the learned court below that since the petitioner has given Talak she is not ready to resume the conjugal life. However, petitioner is ready to keep the complainant as wife.

Considering the fact that the period of provisional bail has already lapsed on 12.05.2016 whereas the present modification application has been registered on 10.01.2017, this Court is not inclined to consider the prayer for modification.



Keeping in view of the nature of accusation, 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 in connection with Complaint Case No. 1915 of 2012 pending in the court of learned Sub-divisional Judicial Magistrate, Madhubani.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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