

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48972 of 2017

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Aditya Kumar @ Aaditya Kumar, Son of Deep Narayan Mishra, Resident of House No. 232, Amar Chhatauni, P.S. – Chhatauni, District – East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Richa Bhardwaj, D/o Sri Niwas Pathak, W/o Aditya Kumar, Residing of Mohalla – Telia, P.S. – Motihari Town, District – East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Mishra

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 08-11-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The present application has been filed for modification of order dated 02.05.2016 passed in Cr. Misc. No. 19168 of 2016 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner, being the husband of the informant-opposite party no. 2, was granted provisional anticipatory bail for three months in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. The provisional anticipatory bail was granted to the petitioner on the



submission that he is ready to keep the informant-opposite party no. 2 as wife with full dignity and honour and statement to that effect has been made in paragraph 11 of the main petition when both the sides agreed to appear before the learned Court below and get the issue resolved. The provisional anticipatory bail was to be confirmed by the learned Court below on resolution of the dispute between the parties.

Learned counsel for the petitioner while drawing the attention of this Court to the order dated 06.08.2016 of the learned Court below tried to impress upon this Court that the issue could not be reconciled since the informant gets reluctant to reconcile and learned Court below has recorded a finding to that effect.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 01.08.2016 whereas the present modification application has been filed on 10.10.2017, this Court is not inclined to modify the earlier order. However, keeping in view the nature of accusation and the fact that the order of learned Court below dated 16.08.2016 suggests that the issue could not be reconciled due to the reluctance on the part of the informant, it is a case for consideration of prayer for regular bail by the learned Court



below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Motihari Town P.S. Case No. 529 of 2014, pending in the Court of learned SDJM, Motihari.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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