

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10753 of 2017

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Shahid Anwar, Son of Abdul Quayam, Resident of Village- Nuri Nagar,
Ward No. 09, Sigrawli, P.O. and P.S. Singrawli, District.....

.... Petitioner/s

Versus

1. The State of Bihar.
2. Musrat Jaha, Wife of Shahid Anwar, D/o Md. Jamiruddin Ansari,
Resident of Mohalla- Baradri Ward No., Daudnagar, P.O. and P.S.
Daudnagar, District Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.
For the State : Sri Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-06-2017 Heard learned counsel for the petitioner,

complainant and learned APP for the State.

The present application has been filed for
modification of the order dated 03/12/2015 passed in Criminal
Miscellaneous No.54972/2015.

The petitioner being the husband of complainant
was granted provisional anticipatory bail for one year, in
connection with Complaint Case No.386/2014, pending before
the learned SDJM, Daudnagar, Aurangabad, wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under sections 323, 504 and 498A of the
Indian Penal Code, on submission that the petitioner is ready to



keep the complainant as wife with full dignity and honour and maintain her. A statement to that effect has been made in paragraph no.4 of the main petition :-

“That, as stated above the petitioner is ready to keep the complainant as his better half (wife) is ready to undertake that he will maintain her.”

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

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour but the matrimonial harmony could not be restored since the complainant is not ready to live with the petitioner in the matrimonial house. Under the circumstances, the provisional bail may be modified or provisional anticipatory bail may be confirmed.

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life, but the



petitioner has not made any sincere effort for restitution of conjugal life.

Considering the rival submission of the parties, this Court is not inclined to modify the earlier order dated 03/12/2015 in view of the fact that provisional anticipatory bail got lapsed on 02/12/2016 whereas the present modification application has been registered on 02/03/2017. However, keeping in view of the fact that still the parties are ready to reconcile the issue, let the learned Court below consider the prayer for bail of the petitioner in order to enable the parties to make an effort to reconcile the issue, if the petitioner surrenders within a period of six weeks.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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