

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12285 of 2017

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Chandan Yadav S/o Arun Yadav, Resident of Village-Khari (Uttarbari Tola), P.S.-Murliganj, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi W/o Chandan Yadav and D/o Badri Yadav Resident of Village-Khari (Dakshinwari Tola), P.S.-Murliganj, District-Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2017 The present application has been filed for modification of the order dated 10.02.2016 passed in Cr. Misc. No. 6617 of 2016 to the extent of confirmation of provisional bail granted to the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner being the husband of the complainant was granted provisional anticipatory bail in a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC. The petitioner was granted provisional anticipatory bail for one year on his readiness to keep the complainant and children with love and care. The provisional bail of the petitioner 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 further submitted that various orders passed by the learned court below has been brought on record which suggest that the complainant went to the matrimonial house and on several occasions she informed the court that she is living happily in the matrimonial house but subsequently she complained about some torture and refused to go to the matrimonial house. Moreover, the petitioner is still ready to keep the complainant and her children with full dignity and honour, statement to that effect has been made in para 8 of the petition which reads as follows:-

“That even today petitioner is ready to keep his wife with full dignity and honour.....”

It is further submitted that the bail bonds of the petitioner has not been cancelled as yet.

In the circumstances, the period of provisional bail granted to the petitioner vide order dated 10.02.2016 passed in Cr. Misc. No. 6617 of 2016 in connection with Complaint Case No. 149 of 2015 pending in the court of learned JM, 1st Class, Madhepura is extended till 31st of May, 2017.



It is expected from the learned court below to make fresh effort to get the issue reconciled and if the issue gets reconciled then the provisional bail of the petitioner will be confirmed by the learned court below. The provisional bail of the petitioner will also be confirmed if the issue is not reconciled due to reluctant view of the complainant.

(Dinesh Kumar Singh, J)

Amrendra/-

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