

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33379 of 2016

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1. Dharmendra Kumar Singh Son of Lalan Singh Resident of Village-
Kakarahatta, P.S. Bidupur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2017

The order dated 12.04.2016 passed in Cr. Misc. No. 15995 of 2016 is modified to the extent that at paragraph no. 4 of the order, let it be read as 'Ambikapur, Chhattisgarh' instead of 'Ambikapur, Madhya Pradesh'.

The present application has been filed for modification of the order dated 12.04.2016 passed in Cr. Misc. No. 15995 of 2016 to the extent that by inadvertence it was mentioned in paragraph no. 2 of the supplementary affidavit that petitioner is ready to keep the daughter of the complainant with dignity and honour which is contrary to the instruction of the petitioner.

The petitioner being husband of the daughter of the complainant preferred anticipatory bail application in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.



It was submitted by learned counsel for the petitioner on instruction that petitioner admits his marriage with the daughter of the complainant and is ready to keep her as wife with full dignity and honour. A statement to that effect was made in para 2 of the supplementary affidavit which reads as follows:-

“That the petitioner is the husband of the daughter of the complainant and is ready to keep his wife with full dignity and honour.”

The offer of the petitioner was accepted by the counsel for the complainant. It was agreed between the parties that both side would appear before learned Court below on 25th of April, 2016 when petitioner would take the daughter of the complainant to her matrimonial house to keep her as wife with full dignity and honour. The petitioner also agreed to withdraw the matrimonial suit filed with a prayer for divorce at Ambikapur, Chhattisgarh.

Considering the fact that through the present modification application, the petitioner wants to take a different stand than the stand taken on affidavit in the main application, this Court is not inclined to consider the present modification application.

The order dated 12.04.2016 passed in Cr. Misc. No. 15995 of 2016 is hereby rescind.

Let learned Court below consider the prayer



for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 901 of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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