

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20370 of 2017

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1. Rishikesh Kumar @ Prince Sonar Son of Chandra Bhushan Prasad,
Resident of Village- Raja Bazar, C/o Awadhesh Sao, Near Railway Pool,
P.S.+ District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Labli Devi, Wife of Rishikesh Kumar, Daughter of Pramod Sao, Resident
of Mohalla- Rajabazar, (Railway Pul), P.S.+ District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Digvijay Singh
For the Opposite Party/s : Mr. Suresh Prasad Singh
For O.P. No. 2 : Mr. Umesh Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 05-07-2017

Heard learned counsel for the parties.

The present application has been filed for
modification of the order dated 4.4.2016 passed in Cr. Misc. No.
7357 of 2016 for extending the period of provisional bail.

The petitioner being the husband of the complainant
was granted provisional anticipatory bail for a period of one year
vide order dated 4.4.2016 in Complaint Case No. 342 of 2014
wherein process was directed to be issued after cognizance being
taken for the offences punishable under sections 498A of IPC and
sections 3 and 4 of Dowry Prohibition Act on readiness of the
petitioner to keep the complainant as wife with full dignity and
honour and statement to that effect has been made in paragraph 3



of the supplementary affidavit. The provisional bail of the petitioner was to be confirmed by the learned court below in three eventualities, i.e., (i) on substantial restoration of the matrimonial harmony within a period of one year, or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant is reluctant to reconcile the issue.

Learned counsel for the petitioner submits that though the petitioner was ready to keep the complainant but now he is not ready to keep her but is ready to get the issue settled by making payment of one time settlement amount.

Learned counsel for the complainant submits that the petitioner never took any effort to get the issue reconciled and the present modification application has been filed after lapse of the period of provisional bail. However, the complainant is also ready to settle the issue on payment of one time settlement amount.

Considering the fact that the period of provisional anticipatory bail expired on 3.4.2017, and the present modification application has been filed on 24.4.2017, moreover, the petitioner admits that he failed to comply the undertakings given before this Court, this Court is not inclined to revise the earlier order. However, in view of the present stand of the parties that they are ready to resolve the issue in terms of payment of one time



settlement amount, it is a case for consideration of regular bail if the petitioner surrenders within a period of six weeks. Let the learned court below make effort to resolve the issue in case the petitioner and the complainant appear and file appropriate applications and if need be the learned court below will be at liberty to release the petitioner on provisional bail.

Accordingly, the modification application is disposed of in connection with Complaint Case No. 342 of 2014 pending before the court of the learned JM Ist Class, Jehanabad.

(Dinesh Kumar Singh, J)

Anil/-

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