

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32859 of 2017

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Sunil Choudhary, Son of Late Sohrai Choudhary, Resident of Village-Bigha, Babhandiha, P.S. Obra, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Savitri Devi, Wife of Sunil Choudhary, Daughter of Lally Choudhary, Resident of Lakhan Bigha, Babhandiha, P.S. Obra, District Aurangabad, Presently Resident of Tilauthu, P.S. Tilauthu, District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 08-11-2017

Heard learned counsels for the petitioner,

opposite party no. 2 and the State.

The present application has been filed for modification of order dated 28.07.2016 passed in Cr. Misc. No. 31696 of 2016 for extending the period of surrender and period of provisional anticipatory bail granted to the petitioner.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code.

On submission on behalf of the petitioner that



he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 8 of the main petition, the petitioner was granted provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities:- if the matrimonial harmony is substantially restored or if the complainant fails to appear before the learned Court below or if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that since the petitioner was working outside the State, hence he could not surrender before the learned Court below and take the complainant to her matrimonial house. It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

However, learned counsel for the complainant-opposite party no. 2 submits that the complainant is unable to accept the offer due to the fact that the petitioner has performed second marriage and there are children also from the second marriage.



Keeping in view the conduct of the petitioner, this Court is not inclined to revise the earlier order. However, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 1280 of 2014 pending in the Court of learned Chief Judicial Magistrate, Rohtas.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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