

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14240 of 2017

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1. Prakash Chandra Son of- Shiv Shankar Pd. Gupta Resident of Village-
Chegan Neura, P.S.- Meenapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sweeti Kumari Daughter of- Umesh Kumar Resident of Village- Bathua
Bazar, P.S.- Fulwaria, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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

ORAL ORDER

3 12-07-2017

Heard learned counsel for the parties.

The present application has been filed for modification of the order dated 24.4.2015 passed in Cr. Misc. No. 19007 of 2015 whereby the petitioner being the husband of the complainant, in a complaint case, wherein process was directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406 and 323 IPC and sections 3 and 4 of Dowry Prohibition Act, was granted provisional anticipatory bail for one year on the submission on behalf of the petitioner that he is ready to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed in three eventualities –(i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the



learned court below, or (iii) if the complainant gets reluctant to reconcile the issue.

Through I.A. No. 1254 of 2017 the prayer has been sought to be amended to the effect that order dated 6.3.2017 passed by the learned SDJM, Gopalganj in Complaint Case No. 3138C of 2013 may be quashed whereby non-bailable warrant of arrest has been issued against the petitioner.

Learned counsel for the petitioner submits that the marriage between the petitioner and the complainant and birth of two children are admitted and he is still ready to keep the complainant with full dignity and honour.

Learned counsel for the complainant submits that though the complainant is still ready to accept the offer of the petitioner but the order dated 6.3.2017 passed by the learned court below reflects that the petitioner on one pretext or the other did not file show cause before the learned court below expressing his willingness to keep the complainant. However, now both sides agree to appear before the learned court below on 17th August, 2017 when the petitioner will take the complainant to her matrimonial house and keep her with full dignity and honour.

Considering the nature of accusation and the present stand of the parties, the operation of order dated 6.3.2017 passed



by the learned SDJM, Gopalganj in Complaint Case No. 3138C of 2013 is stayed till 17th August, 2017.

The learned court below will make a fresh effort to mediate the issue and will be at liberty to extend the interim order for further reasonable period as deem fit and proper. On substantial restoration of matrimonial harmony, the learned court below will consider the prayer of the petitioner for grant of regular bail.

Since the provisional bail of the petitioner got lapsed on 23.4.2016 and the modification application has been registered on 22.3.2017 and above all, non-bailable warrant of arrest has been issued, hence the provisional bail is no longer in existence, hence the same cannot be confirmed.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Anil/-

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