

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14529 of 2017

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1. Alamgir, Son of Late Mokhtar, Resident of Village-Badarbanna, Police Station-Bahera, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatoon Wife of Alamgir and daughter of Late Shafiur Rahman, Resident of Village-Badarbanna, P.S.-Bahera, District-Darbhanga, Presently Resident of Village-gaina, P.S.-Manigachhi, District-darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 12-07-2017

Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 11.5.2015, passed in Cr. Misc. No. 13855 of 2015, for extending the period of surrender of the petitioner.

The petitioner being the husband of the informant was granted provisional anticipatory bail vide order dated 11.5.2015, passed in Cr. Misc. No. 13855 of 2015, for one year in a case registered for the offences punishable under Sections 341,323,506,504 and 498A/34 of IPC and sections 3 and 4 of Dowry Prohibition Act, on the submission that the petitioner is ready to keep the informant 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 informant fails to appear before the learned court below, or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender within the stipulated time due to illness but at present, both, the petitioner and the informant, are residing together and the informant is expecting a child very shortly.

Considering the fact that the period of provisional bail lapsed on 10.5.2016 and the present modification application was registered on 23.3.2017, this court is not inclined to revise the earlier order.

However, keeping in view the submission of learned counsel for the petitioner that both the petitioner and the informant are residing together, let the learned court below consider the prayer of the petitioner for grant of regular bail if the petitioner surrenders within six weeks from today, provided that the informant also appears and supports the contentions of the learned counsel for the petitioner made before this court. It is expected from the learned court below to dispose of the bail application preferably on the same day.



Accordingly, the modification application is disposed of in connection with Manigachhi (Nahra O.P.) Case No. 75 of 2013 pending in the court of the learned SDJM, Darbhanga.

(Dinesh Kumar Singh, J)

Anil/-

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