

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32106 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Patna

Chandan Kumar Singh, Son of Ganesh Prasad Singh, Resident of Kumarthu, Police Station- Gayghat, District- Muzaffarpur. At present Resident of 420/18 1st Floor, Gali No. 4, Than Singh Nagar, Anand Parbat Central Delhi- 110005.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Devi, Wife of Chandan Kumar Singh, Resident of Kamarthu, Police Station- Gayghat, District- Muzaffarpur, C/o Mauleshwar Prasad Singh, Resident of Village- Gorras Dharampur, Police Station- Barh, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.
For the Opposite Party/s : SMT. MADHURI LATA, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2017 Heard learned Counsels appearing on behalf of the petitioner and the State.

The present application has been filed for modification of the order dated 20.02.2015 passed in Criminal Miscellaneous No. 6882 of 2015 to the extent of extending the period of surrender as well as the period of provisional bail.

The petitioner, being the husband of the complainant, was granted provisional anticipatory bail for one year in connection with Complaint Case No.597C of 2012, pending before the learned Sub-Divisional Judicial Magistrate, Barh, Patna, wherein, process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of



the I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, on submission on behalf of the learned Counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. The provisional anticipatory 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 or; (ii) if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned Court below.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner being poor labourer was working outside, hence, he could not surrender or comply the order of this Court.

Considering the fact that the order for provisional bail was passed on 20.02.2015, which got lapsed on 19.02.2016, whereas, the present modification application has been filed on 10.07.2017, this Court is not inclined to modify the earlier order.

However, keeping in view of the statement of the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour and has not disputed the factum of marriage, it is a case for consideration of prayer for regular bail



by the learned Court below, if he surrenders within a period of six weeks.

The modification application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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