

Anjani Kishor S/o Satish Chandra Prasad Resident of Village- Allouli, P.S. Allouli, District- Khagaria.

Versus

1. The State of Bihar.
2. Kanchan Devi W/o Anjani Kishor, Daughter of Sri Ganga Prasad Sah
Resident of Mohalla- Purani Bazar, Rosera, District- Samastipur.

Appearance :

For the Petitioner/s : Mr. Rakesh Chandra
For the Opposite Party/s : Mr. Rana Randhir Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2017 Heard learned counsels for the petitioner,
complainant and the State.

The present application has been filed for modification of the order dated 27.08.2015 passed in Cr. Misc. No. 36720 of 2015 to the extent of extending the period of provisional anticipatory bail.

The petitioner being husband of the complainant was granted provisional anticipatory bail for one year in a complaint case wherein process were directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code. The petitioner was granted bail on readiness of the petitioner to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 13 of the petition which reads as follows:-



“That the petitioner is ready to keep the complainant with all cares, love and affection.”

Both sides agreed to appear before learned Court below on 1st October, 2015 when petitioner was to take the complainant to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before learned Court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance of the order, the petitioner appeared before learned Court below and took the complainant to her matrimonial house but after some times the complainant filed Allouli P.S. Case No. 14 of 2016 with accusation under Sections 341, 323, 504, 498A, 506, 312/34 of the Indian Penal Code. In the said case the petitioner was arrested and was granted custody bail by learned Court below.

Considering the fact that for modification of the order dated 27.08.2015, the present modification application has been filed on 16.12.2016 much after expiry of the period of provisional bail, this Court is not inclined to modify the earlier order. Let learned Court below consider the prayer for bail of the petitioner, keeping in view of the fact that



petitioner has remained on provisional bail for one year and no useful purpose will be served in allowing the petitioner to go into custody, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 1305 of 2013, pending in the Court of learned Additional Chief Judicial Magistrate, Rosera, Samastipur.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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