

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30840 of 2017

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Satish Kumar Singh @ Chunnu, Son of Parmanand Singh, Resident of
Village- Dhobdiha (Shivganj), P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amrita Singh, W/o Satish Singh @ Chunnu, R/o Village- Dhobdiha
(Shivganj), P.S.- Madanpur, District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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

ORAL ORDER

2 09-08-2017 Heard learned Counsels for the petitioner,

complainant and State.

The present application has been filed for
modification of the order dated 02.02.2016, passed in Criminal
Miscellaneous No.5342/2016 to the extent of extending the
period of provisional anticipatory bail of the petitioner.

The petitioner, being the husband of complainant,
was granted provisional anticipatory bail for one year, in
connection with Complaint Case No.397 of 2013, pending before
the learned Chief Judicial Magistrate, Aurangabad, on
submission of the statement made at paragraph no.9 of the main
petition that the petitioner is ready to keep the complainant as



wife with full dignity and honour. Paragraph no.9 reads as under

:-

“That petitioner is husband of the opposite party no.2 and he is ready to keep his wife with all respect.”

The learned Court below was directed to issue notice to the complainant for her appearance and on her appearance, the petitioner was supposed to take the complainant to her matrimonial house to keep her 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) if the matrimonial harmony is substantially restored (ii) or if the complainant fails to appear before the learned Court below (iii) or if the complainant gets reluctant to reconcile the issue.

It is submitted by learned Counsel appearing on behalf of the petitioner that the issue could not be reconciled due to the apathetic attitude of the complainant. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Considering the fact that the petitioner's provisional anticipatory bail got lapsed on 01.02.2017, whereas, the present



modification application was filed on 04.07.2017 for modification of the order dated 02.02.2016, and the order dated 21.02.2017 passed by the learned Sub-Divisional Judicial Magistrate, Aurangabad, as contained in Annexure-2 series, reflects that after lapse of period of provisional anticipatory bail of the petitioner, non-bailable warrant of arrest has been issued, hence, this application is not maintainable. Accordingly, the modification application is disposed of.

However, let the learned Court below consider the prayer for regular bail of the petitioner, in view of the present stand of the petitioner that he is ready to keep the complainant as wife with full dignity and honour, if he surrenders within a period of six weeks.

(Dinesh Kumar Singh, J)

Ashwini/-

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