

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30391 of 2017

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Vijay Jaiswal @ Vijay Kumar Jaiswal

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2017 Heard learned Counsel for the petitioner and
learned APP for the State.

The present application has been filed for modification of the order dated 22/02/2016, passed in Criminal Miscellaneous No.7666/2016, in connection with C-1241/2015, pending before the learned SDJM, Araria, wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act.

The petitioner being the husband of complainant was granted provisional anticipatory bail for six months, on submission that the petitioner is ready to keep the complainant as wife with full dignity and honour, also both sides agreed to appear before the learned Court below on 4th of March, 2016, when the petitioner was to take the complainant to keep her as wife. 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 matrimonial harmony within one year (ii) or if the complainant fails to appear before the learned Court below (iii) or if the complainant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner appeared before the learned Court below on 04/03/2016, but the complainant failed to appear on the medical ground, which gets reflected from the order dated 04/03/2016. Thereafter, the complainant filed a petition on 17/10/2016, before the learned Court below for canceling the bail bond of the petitioner. The learned Court below vide order dated 19/05/2017 declined to confirm the provisional bail and directed the petitioner to surrender since the period of anticipatory bail got lapsed. It is further submitted that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Considering the fact that for modification of the order dated 22/02/2016, the present modification application has been filed on 03/07/2017 and the period of provisional anticipatory bail got lapsed on 21/02/2017, this Court is not inclined to revised the earlier order.

Accordingly, the modification application is



disposed of.

However, let the learned Court below consider the prayer for regular bail of the petitioner, if he surrenders within a period of six weeks, keeping in view of the fact that the petitioner is still ready to keep the complainant.

(Dinesh Kumar Singh, J)

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