

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39096 of 2017

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Md. Washim, Son of Md. Faruk Aajam, Resident of Village-Mgolpuri,
House No. 220, P.O. + P.S.-Mgolpuri, District-Old, Delhi, Pin-110083.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nikhat Praween, Wife of Md. Washim, D/o – Jamilurhman, Village –
Hajipur Gola Ward No. 2, P.O. + P.S. – Rabiganj, District –
Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-09-2017

This matter has been taken up for hearing out of
turn on the prayer of the learned counsel for the petitioner.

Heard Mr. Anil Kumar Sinha, learned counsel for
the petitioner and Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for
modification of order dated 23.02.2015 passed in Cr. Misc. No. 7230
of 2015.

The petitioner, being the husband of the
complainant, was granted provisional anticipatory bail for one year



on submission of the learned counsel for the petitioner and statement to that effect has been made in paragraph 7 and 9 of the main petition that he is ready to keep the complainant as wife with full dignity and honour, in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Both the complainant and the petitioner agree to appear before the learned Court below on 11th of May, 2015.

The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the order sheet of the learned Court below reflects that the petitioner made all efforts to reconcile the issue but it could not be reconciled due to apathetic attitude of the petitioner even then the provisional bail has not been confirmed by the learned Court below, though, one of the conditions for confirmation of provisional bail incorporated in the order dated 23.02.2015 was that if the complainant deliberately gets reluctant to reconcile the issue.

Considering the fact that the period of



provisional bail of the petitioner expired on 22.02.2016 whereas the present modification has been registered on 17.08.2017, this Court is not inclined to modify the earlier order. However, keeping in view the nature of accusation and the fact that the petitioner is still ready to reconcile the issue and the bail bond of the petitioner has not been cancelled, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Complaint Case No. 964 of 2012, pending in the Court of learned SDJM, Aurangabad.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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