

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41457 of 2017

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

Pankaj Kumar @ Pankaj Kumar Sinha, S/o Kapileshwar Prasad, R/o Mohalla-
Kidwaipuri, Quarter No.- 16, Buddha Colony, Dist.- Patna

... .. Petitioner/s

Versus

State of Bihar & Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv.

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

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 17.10.2016 passed in Criminal Miscellaneous
No. 44964 of 2016.

The petitioner being, the husband of the complainant, was
granted provisional anticipatory bail for six months in
connection with Complaint Case No.1273 C of 2015, pending
before the learned Chief Judicial Magistrate, Biharsharif
(Nalanda), wherein, process has been directed to be issued after
cognizance being taken for the offence punishable under Section
498A of the Indian Penal Code, on submission on behalf of the
learned Counsel for the petitioner and a statement made in
paragarph no.8 of the petition 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) 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 get reluctant to reconcile the issue. The learned Court below was directed to issue notice to the complainant and on her appearance, the petitioner was supposed to take the complainant to matrimonial house to keep her as wife with full dignity and honour.

It is submitted by learned Counsel appearing on behalf of the petitioner that the complainant resumed the conjugal life in the matrimonial house for three months and thereafter, she assaulted the mother of the petitioner and deserted the petitioner herself. Hence, the petitioner could not keep the complainant due to latches on the part of the complainant.

Considering the fact that the order for provisional bail was passed on 17.10.2016, which got lapsed on 16.04.2017, whereas, the present modification application has been filed on 25.08.2017, this Court is not inclined to modify the earlier order.

However, keeping in view the fact that the petitioner has enjoyed the anticipatory bail for a considerable period and has



made effort to reconcile the issue, 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)

Ashwini/-

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