

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35116 of 2017

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1. Md. Rustam Son of Md. Jamruddin
 2. Md. Jamruddin Son of Late Fajil Both R/o Village- Puraini, P.S. Srinagar, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Sakina Wife of Mr. Rustam, resident of Village- Puraini, Police Station- Sri Nagar, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-08-2017

The present application has been filed for modification of order dated 19.09.2012 passed in Cr. Misc. No. 35453 of 2012, though, the applications fails to specify the modification, which is being prayed.

The petitioner no. 1 being the husband of the complainant was granted provisional anticipatory bail for one year 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. The provisional



anticipatory bail was granted to the petitioner on submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with dignity and honour. Hence, the learned court below was directed to issue notice to the complainant when petitioner no. 1 was to take the complainant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below, if the matrimonial harmony is substantially restored or if the complainant deliberately refuses to reside with petitioner no. 1.

It is submitted by learned counsel for the petitioner, that the petitioner and complainant were residing together in Delhi but after some time the complainant herself deserted the petitioner.

Considering the fact that the period of provisional anticipatory bail got lapsed on 18.09.2013, while the present modification application got registered on 25.07.2017, this Court is not inclined to modify the earlier order. However, keeping in view the fact that petitioner no. 1 has lived with the complainant for considerable period, let the learned court below consider the prayer for bail of petitioner no. 1, if petitioner no.1 surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 520 of



2010, pending in the court of learned Sub-divisional Judicial Magistrate, Madhepura.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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