

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42842 of 2017

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

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Shambhu Das S/o Ram Tahai Das Resident of Village - Manjhauliya, Bankat,
P.S. - Mohanpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sobha Devi W/o Shambhu Das Resident of Village - Manjhauliya, Bankat,
P.S. - Mohanpur, District - Gaya at present R/o Village - Nehar, P.O. -
Khadpur, P.S. - Chauparan, District - Hazaribagh (Jharkhand).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam, Adv.

For the Opposite Party/s : Mr. SRI AJAY KUMAR JHA, APP

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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 19.04.2016 passed in Criminal Miscellaneous
No. 16888 of 2016.

The petitioner being the husband of the complainant was
granted provisional anticipatory bail for six months in
connection with Complaint Case No.537 of 2013, pending
before the learned Judicial Magistrate, 1st Class, Sherghati at
Gaya, wherein, process has been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 494, 323, 379, 406/34 of the Indian Penal Code,



on submission on behalf of the learned Counsel for the petitioner and a statement made in paragraph no.3 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) On substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned Court below. 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 petitioner could not take the complainant to the matrimonial house since it is alleged by the complainant that the petitioner is residing with a concubine. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour and denies the factum of having a concubine.

Considering the fact that the order for provisional bail was passed on 19.04.2016, which got lapsed on 18.10.2016 and the



present modification application has been filed on 01.09.2017,
this Court is not inclined to modify the earlier order.

However, keeping in view of the statement of the petitioner
that the petitioner is still ready to keep the complainant as wife
with full dignity and honour, 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)

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