

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48746 of 2017

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

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Md. Sagir Ahmad @ Sagheer Ahmad, Son of Late Sammi Ahmad, Resident
of Village- Haswadih, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta
For the Opposite Party/s : Mr. SRI ATUL CHANDRA

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-11-2017 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 13.4.2016 passed in Cr. Misc. No. 16399 of 2016 for confirmation of the provisional anticipatory bail granted to the petitioner in a case registered for the offences punishable under section 498A of the IPC and sections 3 and 4 of the Dowry Prohibition Act.

The petitioner was granted provisional anticipatory bail on the submission of learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect was made in paragraph 8 of the main application.

The provisional anticipatory bail was to be confirmed in



three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

Learned counsel for the petitioner has drawn my attention towards the order dated 13.7.2017 passed by the learned court below which reflects that the informant failed to appear before the learned court below and moreover, the order dated 24.8.2017 reflects that the application was filed on behalf of the informant that she is not ready to reside with the petitioner.

Keeping in view the fact that the period of petitioner's provisional anticipatory bail lapsed on 12.4.2017 and the present application has been registered on 9.10.2017, this court is not inclined to revise the earlier order. However, keeping in view the nature of accusation and the fact that the petitioner is ready to keep the informant as wife with full dignity and honour whereas the informant is reluctant to resume the conjugal life, learned court below is expected to consider the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks in connection with Ara Town P.S. Case No. 454 of 2014 pending in the court of the learned CJM, Ara.

With the aforementioned observation/direction, this



application is disposed of.

(Dinesh Kumar Singh, J)

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