

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48929 of 2018**

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Pradeep Kumar Yadav, S/o Late Deonandan Yadav, R/o Vill.- Pachariya,  
P.O.- Jakhim, P.S.- Rafiganj, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Devi W/o Pradeep Kumar Yadav, D/o Deo Pujan Yadav, R/o  
Vill.- Mayapur, P.O.- Dhanawa, P.S.- Daudnagar, District- Aurangabad.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

02/ 29-08-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The present application has been filed for modification of the order dated 22.04.2015 passed in Cr. Misc. No. 9768 of 2015, whereby the petitioner, being the husband of the complainant, was granted provisional anticipatory bail for one year in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 504 and 506 of the Indian Penal Code, on submission made on behalf of the petitioner that the petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect being made in paragraph 7 of the main



petition, the petitioner was granted provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the complainant and on her appearance before the learned Court below, the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. 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 gets reluctant to reconcile the issue.

It appears from the order dated 23.02.2018 passed in Complaint Case No. 461 of 2013 by learned SDJM, Daudnagar that the petitioner's application for confirmation of provisional bail was refused on the ground that the petitioner failed to comply the conditions for confirmation of provisional bail.

Considering the fact that the period of provisional anticipatory bail got lapsed on 21.04.2016, whereas the present modification application has been registered on 07.08.2018, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner has remained on provisional anticipatory bail for a considerable period and the trial



is at the advace stage, 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 in connection with Complaint Case No. 461 of 2013 pending in the Court of learned Sub-divisional Judicial Magistrate, Daudnagar.

Accordingly, this modification application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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