

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31826 of 2017

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

=====

Pintu Mistri, Son of Saryu Mistri, Resident of Village-Pararia P.S. Tekari
(Panchanpur O.P.) District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramashish, adv.

For the Opposite Party/s : SRI CHANDRA BHUSHAN PRASAD, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 31-01-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The present application has been filed for modification
of the order dated 05.07.2016, passed in Criminal Miscellaneous
No. 27807 of 2016.

The petitioner, being the husband of the informant was
granted provisional anticipatory bail for six months in
connection with Tekari P.S. Case No.160 of 2016, pending
before the learned ACJM-IX, Gaya, on submission of learned
Counsel for the petitioner and statement made in paragraph no.7
of the main application that the petitioner is ready to keep the
informant as wife with full dignity and honour. The learned
Court below was directed to issue notice to the opposite party
no.2 for her appearance and on appearance of opposite party



no.2, the petitioner was supposed to take her to keep 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 (ii) or if the informant fails to appear before the learned Court below (iii) or if the informant gets reluctant to reconcile the issue.

It is submitted by learned Counsel for the petitioner that the provisional anticipatory bail of the petitioner could not be confirmed since the informant opposite party no.2 was not inclined to resume the conjugal life.

Learned Counsel for the informant has drawn attention of this Court to order dated 02.05.2017, passed by learned ACJM-VI, Gaya in connection with Tekari P.S. Case No. 160 of 2016, wherein, it has been recorded that it was the petitioner, who does not want to keep the informant.

However, it is jointly submitted that the petitioner and the informant, both are ready to reconcile the issue.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 04.01.2017, this Court is not inclined to modify the earlier order.

However, let the learned Court below consider the



prayer for regular bail of the petitioner keeping in view the fact that both sides are still ready to reconcile the issue, if the petitioner surrenders before the learned Court below within a period of six weeks.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

