

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10867 of 2018

In
Criminal Miscellaneous No.29989 of 2016

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

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Deepak Yadav @ Deepak Kumar, Son of Sri Basudeo Yadav, resident of Village- Barh Alampur, Panchayat- Bhetgawn, Ward No. 6, P.S- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Indu Devi, daughter of late- Gahan Lal Yadav, resident of Village- Matiyari, P.S- Simraha, District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam
For the Opposite Party/s : Mr. SRI ARUN KUMAR PANDEY

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-03-2018 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 22.7.2016 passed in Cr. Misc. No. 29989 of 2016 to the extent of extending the period of provisional anticipatory bail as well as the period of surrender.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for three months in a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under section 498A of the IPC. The provisional anticipatory bail was granted on the admission of the petitioner of his marriage with the complainant and the submission that the petitioner is ready



to keep the complainant as wife with full dignity and honour. Statement to that effect was made in paragraph 11 of the main petition which reads as follows:

“That the petitioner is still ready to keep her and maintain the complainant with honour and full dignity.”

Learned counsel for the complainant, on instruction, submitted that the complainant accepts the offer of the petitioner. Both sides agreed to appear before the learned court below on 8th August, 2016.

Learned court below was supposed to issue notice to the informant. The provisional bail of the petitioner was to be confirmed 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 is submitted by learned counsel for the petitioner that the petitioner could not surrender and furnish bail bonds nor could he appear before the learned court below on 8th August, 2016 due to medical compulsion. Hence, the present modification application.

Though this Court is reluctant to extend the period of provisional bail as well as the period of surrender of the



petitioner due to medical exigency, but learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life, hence, the complainant is not opposing the prayer for modification.

In the circumstances, the order dated 22.7.2017 passed in Cr. Misc. No. 29989 of 2016 is modified to the extent that the period of provisional anticipatory bail of the petitioner is extended by eight weeks from the date of receipt/production of a copy of this order in connection with Complaint Case No. 1034 of 2015 pending in the court of the learned J.M. Ist Class, Araria. Both the sides agree to appear before the learned court below on 3rd April, 2018 when the petitioner will take the complainant to her matrimonial house and keep her as wife with full dignity and honour. The provisional anticipatory bail of the petitioner will be confirmed by the learned court below in either of the three conditions stipulated in order dated 22.7.2016.

With the aforementioned observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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