

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43089 of 2017

In
Criminal Miscellaneous No.38284 of 2015

Arising Out of PS. Case No.- Year- Thana- District- East Champaran

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Mohammad Ahmad Hussain @ Ahmad Rasaul @ Mohammad Ahmad Rasul,
son of late Gulam Rasool, both resident of Village-Hardiabad, P.S.-Pipra,
Distt. -East Champaran.

... .. Petitioner/s

Versus

1. State of Bihar
2. Mumtaj Begum, D/o Habib Ansari, Village-Tajpur Saraiya, P.S.-Rajepur,
Distt-East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sangeet Deokuliar, Adv.
For the Opposite Party/s :	Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-03-2018 Heard.

The present application has been filed for modification of the order dated 28.08.2015, passed in Criminal Miscellaneous No. 38284 of 2015, in connection with Pipra P.S. Case No. 96 of 2012, pending before the learned CJM, Motihari, East Champaran, registered for the offences punishable under sections 498A, 379, 323, 504 and 506 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, whereby the petitioner being husband of informant was granted provisional



anticipatory bail for six months, on submission and statement made in paragraph no.14 of the petition that the petitioner is ready to keep the informant as wife with full dignity and honour. The provisional anticipatory bail of petitioner was to be confirmed by the learned Court below in three eventualities i.e., (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.

This Court vide order dated 06.12.2017 issued notice to opposite party no.2. Since the office note dated 06.03.2018 suggests that in pursuance to notices issued to opposite party no.2, ordinary process of notice has been affected by house service, the notices issued to opposite party no2 was directed to be deemed valid service.

Today, on call none appears on behalf of the opposite party no.2.

Considering the fact that for modification of the order dated 28.08.2015, the present modification application was registered on 04.09.2017, which is after more than two years of granting the provisional bail to the petitioner, this Court is not inclined to modify the order.

Accordingly, the modification application is disposed of.



However, let the learned Court below consider the prayer for regular bail of the petitioner keeping in view of the fact that the petitioner is still ready to resolve the issue.

(Dinesh Kumar Singh, J)

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