

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30371 of 2018

In
Criminal Miscellaneous No.8394 of 2016

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

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Md. Naushad Alam, Son of Late Md. Imamul Haque @ Bodh Marhum,
Resident of Village- Ghardaul, Police Station- Srinagar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shabrana Khatoon, Wife of Md. Naushad Alam, Daughter of Md. Karmud, Resident of Ghardaul, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad
For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-06-2018

Heard learned counsels for the parties.

The present application has been filed for modification of order dated 22.2.2016 passed in Cr. Misc. No. 8394 of 2016 to the extent of extending the period of provisional anticipatory bail granted for six months.

The petitioner being the husband of the complainant was granted provisional anticipatory bail for six 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 on the admission of the petitioner of his marriage with the complainant and statement being made in paragraph 8 of the main petition that the petitioner is ready to keep the complainant as wife with full



dignity and honour.

Learned court below was supposed to issue notice to the complainant. 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 regularly appeared before the learned court below and filed several applications expressing his desire to keep the complainant as wife with full dignity and honour but the complainant never responded to his offer, however, the petitioner failed to appear on two consecutive occasions, as a result vide order dated 14.3.2018 the learned court below cancelled the bail bonds of the petitioner.

Considering the fact that the period of provisional anticipatory bail of the petitioner got lapsed on 21.8.2016 whereas the present application has been registered on 15.5.2018, this Court is not inclined to interfere in view of the fact that the bail bonds of the petitioner have been cancelled since he failed to appear at the time of framing of charge as gets reflected from the order dated 14.3.2018 passed by learned court below. However, keeping in



view the fact that the petitioner is willing to reconcile the issue, learned court below is expected to mediate the issue in case the petitioner surrenders within six weeks in connection with Complaint Case No. 4615 of 2014 pending in the court of the learned CJM, Madhepura. In the meantime, the learned court below will be at liberty to release the petitioner on provisional bail.

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

(Dinesh Kumar Singh, J)

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