

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60748 of 2017

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Rajesh Kumar, Son of Surendra Singh, Resident of Village- Rampur Dumra
Choudhary Tola, P.S.- Marnchi District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sujata Devi, D/o Kedar Prasad Singh, Resident of Village- Maldiyar
Tola, P.S.- Mokama, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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

ORAL ORDER

04/ 21-03-2018

Heard Mr. Ram Vinay Prasad Singh, learned

counsel for the petitioner, Mr. Manoj Kumar Pandey, learned
counsel for the informant-opposite party no. 2 and Mr. Anil
Kumar Singh, learned counsel for the State.

The present application has been filed for
modification of the order dated 30.08.2016 passed in Cr. Misc.
No. 31516 of 2015 to the extent of extending the period of
surrender.

The petitioner, being the husband of the
informant was granted provisional anticipatory bail for three
months in Mokama P.S. Case No. 252 of 2014 registered for the
offences punishable under Sections 307, 323, 341, 498A and



504/34 of the Indian Penal Code, pending in the Court of learned A.C.J.M., Barh, Patna.

The basic accusation is of torture, making assault and performing second marriage.

Both sides agreed to resolve the issue on payment of one time settlement amount of Rs.6.5 lacs. On submission of the petitioner that the petitioner will handover a draft of Rs.5 lacs to the informant within a period of one month and a draft of rest Rs.1.5 lacs within three months thereafter, the petitioner was granted provisional anticipatory bail for three months. The provisional bail of the petitioner was to be confirmed by the learned Court below on encashment of draft of Rs.6.5 lacs.

It is submitted by learned counsel for the petitioner that the petitioner paid the amount of Rs.6.5 lacs to the informant within time but could not furnish the bail bonds, hence, the present modification application.

Mr. Manoj Kumar Pandey, learned counsel for the informant-opposite party no. 2 submits that the payments have already been made and the informant has no objection in allowing the modification to the extent of extending the period of surrender and confirming the provisional anticipatory bail to the petitioner.



In the circumstances, the order dated 30.08.2016 passed in Cr. Misc. No. 31516 of 2015 is modified to the extent that the period of surrender is extended by three weeks from the date of receipt/production of a copy of this order in connection with Mokama P.S. Case No. 252 of 2014 pending in the Court of A.C.J.M., Barh, Patna. Since the payments have already been made, hence, the petitioner is permitted to be released on confirm bail.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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