

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54981 of 2017

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

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Rahid Ali, Son of Asgar Ali, Resident of Village- Dorpur, Police Station-
Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sahin Pravin, Wife of Rahid Ali, Daughter of Md. Akhtar, Resident of
Village- Dorpur, Police Station- Nanpur, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. SMT. ANUSUIYA JAISWAL

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 24-01-2018 Heard learned counsels for the parties.

The present application has been filed for modification of
order dated 18.12.2015 passed in Cr. Misc. No. 46051 of 2015
to the extent of extending the period of surrender.

The factual matrix of the case is that the petitioner, being
the husband of the complainant was granted anticipatory bail
vide order dated 18.12.2015, passed in Cr. Misc. No. 46051 of
2015 in a case registered for the offence punishable under
Section 498A of the IPC.

From the order dated 18.12.2015 passed in Cr. Misc. No.
46051 of 2015, it appears that both sides agreed to part ways on
payment of one time settlement amount of Rupees Five Lakhs.
The petitioner undertook to deposit the aforesaid amount in the



bank account of the complainant within a period of six months. Both sides also agreed to file matrimonial suit for dissolution of marriage with consent and to file appropriate application in the present proceeding also.

It is submitted by learned counsel for the petitioner that the petitioner went abroad to earn livelihood and to arrange funds for payment of one time settlement amount. Hence, payment of one time settlement amount has been made in August, 2016.

Learned counsel for the complainant submits that the complainant has received the agreed amount of Rupees Five Lacs with delay, but till date, the application for dissolution of marriage has not been filed. Hence, the complainant is not opposing the prayer for modification but the petitioner should get the marriage dissolved by filing appropriate application before the court of competent jurisdiction.

Learned counsel for the petitioner agrees to file appropriate application for dissolution of marriage with consent within a period of ten days of furnishing the bail bonds.

In the circumstances, the order dated 18.12.2015 passed in Cr. Misc. No. 46051 of 2015 is modified to the extent that the period of surrender of the petitioner is extended by three weeks from the date of receipt/production of a copy of this court in



connection with Complaint Case No. 194 of 2012 pending in the court of learned SDJM, Pupri, Sitamarhi. The learned court below will accept the bail bonds of the petitioner provisionally and will confirm the acceptance of bail bonds on compliance of the undertaking given by either side as incorporated in order dated 18.12.2015 passed in Cr. Misc. No. 46051 of 2015.

This application is accordingly disposed of.

(Dinesh Kumar Singh, J)

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