

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58436 of 2017

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Pappu Rai @ Pappu Kumar, son of Manjhi Rai, resident of Village-
Vijaygarh, P.S.- Maranchi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Devi, Wife of Pappu Rai, D/o- Umesh Mahto, presently resident
of Village- Lakho Manjhla Tola, P.S.- Muffasil, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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

ORAL ORDER

02/ 03-01-2018

The present application has been filed for
modification of order dated 04.11.2015 passed in Cr. Misc. No.
51659 of 2015 to the extent of confirming the provisional
anticipatory bail granted to the petitioner being the husband of the
complainant in a complaint case, wherein processes have been
directed to be issued after cognizance being taken for the offences
punishable under Sections 498A, 406, 379, 388 of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The petitioner was granted provisional
anticipatory bail on submission and statement made in paragraph
11 of the main petition that the petitioner is ready to keep the
complainant as wife with full dignity and honour when learned



Court below was supposed to issue notice to the complainant and on her appearance the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities: (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; (iii) or if the complainant fails to appear before the learned Court below.

It is submitted by learned counsel for the petitioner that vide order dated 04.11.2016 passed in Maintenance Case No. 40M of 2015 the learned Principal Judge, Family Court, Begusarai directed for payment of Rs.5,000/- per month as interim maintenance to the complainant and Rs.2,500/- per month for the maintenance and education of two children and apart from that Rs.1,000/- per month as litigation cost from the date of filing of maintenance application i.e. 01.04.2015. The said order has been brought on record as Annexure-2. It is further submitted by learned counsel for the petitioner that the petitioner challenged the order dated 04.11.2016 passed in Maintenance Case No. 40M of 2015 in Cr. Misc. No. 49446 of 2017. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour.



Considering the fact that the period of provisional anticipatory bail got lapsed on 04.11.2015, whereas the present modification application got registered on 29.11.2017, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour, the learned Court below may consider the prayer for regular bail of the petitioner, if he surrenders before the learned Court below within a period of six weeks in connection with Complaint Case No. 8664 of 2013, pending in the Court of learned Sub-divisional Judicial Magistrate, Begusarai.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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