

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31913 of 2018

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Arun Mistry Son of Ramanand Mistry resident of village - Bhushanchak,
P.S. Naubatpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi Wife of Arun Mistry Daughter of Kedar Mistry At present
resident of Village - Dhandar Bigha, P.S. Jehanabad, District Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

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

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

ORAL ORDER

02/ 20-06-2018

Heard Mr. Manoj Kumar, learned counsel for

the petitioner and Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for
modification of the order dated 08.09.2017 passed in Cr. Misc.
No. 22357 of 2017 to the extent to extending the period of
provisional bail.

The factual matrix of the case is that the
petitioner, being the husband of the complainant, was granted
provisional anticipatory bail for six months in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under Section
498A of the Indian Penal Code vide order dated 08.09.2017



passed in Cr. Misc. No. 22357 of 2017.

The bail was granted to the petitioner on submission made on behalf of the petitioner that the petitioner is ready to keep the complainant with full dignity and honour. Statement to that effect has been made in paragraph 12 of the main petition, which reads as follows:-

“That the petitioner is still ready to bring back his wife with his daughter with all love, care & dignity.”

The provisional anticipatory bail was to be confirmed by the learned Court below 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 in pursuance to the above undertaking resumed the conjugal life with the complainant but subsequently she deserted the petitioner, as a result, the provisional bail has not been confirmed.

Considering the fact that the period of provisional anticipatory bail got lapsed on 07.03.2018, whereas the present modification application has been registered on



21.05.2018, this Court is not inclined to interfere. However, the learned Court below may consider the prayer for provisional bail of the petitioner for getting the issue mediated between the parties in view of the fact that the petitioner is still ready to keep the complainant with full dignity and honour, in view of the ratio laid down in the case of K. Srinivas Rao Vs D.A. Deepa reported in 2013 (5) SCC 226, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Complaint Case No. 508 of 2015, Trial No. 1474 of 2017/1116 of 2018 pending in the Court of learned Judicial Magistrate, Ist Class, Jehanabad.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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