

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37736 of 2018

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Naushad Alam S/o Safiq Alam @ Bitto resident of village- Bharatkhand,
P.S. - Parbatta, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Samina Khatoon Wife of Naushal Alam, daughter of Amila Khan
resident of village- Temtha (Karari), P.S. - Parbatta, District- Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

02/ 18-07-2018

The present application has been filed for
modification of the order dated 11.05.2016 passed in Cr. Misc.
No. 20354 of 2016 to the extent of confirming the provisional
anticipatory bail.

The petitioner, being the husband of the
complainant, was granted provisional anticipatory bail for four
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 and
Sections 3/4 of the Dowry Prohibition Act.

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 was made in paragraph 11 of the main petition, which reads as follows:-

“That the petitioner is still ready to keep his wife with full dignity and honour without any condition.”

The learned Court below was supposed to issue notice to the complainant when the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. 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) or if the complainant fails to appear before the learned Court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It appears from the record that the period of provisional anticipatory bail got lapsed on 10.09.2016, whereas the present modification application has been registered on 26.06.2018 and his bail bond was cancelled vide order dated 06.03.2018 passed by learned SDJM, Khagaria in Complaint Case No. 1291C of 2013, this Court is not inclined to interfere. However, keeping in view the nature of accusation and the petitioner is ready to reconcile the issue, it is a case for



consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Complaint Case No. 1291C of 2013 pending in the Court of learned Sub-divisional Judicial Magistrate, Khagaria.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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