

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17213 of 2018

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Anjani Kumar @ Vinit Kumar, Son of Ashwani Sharma, Resident of
Village – Metra, Police Station – Ghosi, District – Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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

03/ 25-04-2018 Learned counsel for the petitioner is
permitted to incorporate in paragraph 1 of the modification
application the prayer for modification of earlier order dated
19.08.2017 passed in Cr. Misc. No. 22553 of 2017.

The present application has been filed for
modification of the order dated 19.08.2017 passed in Cr. Misc.
No. 22553 of 2017 to the extent of extending the period of
surrender.

The factual matrix of the case is that the
petitioner being the husband of the informant preferred Cr.
Misc. No. 22553 of 2017 with a prayer for anticipatory bail in
connection with Jehanabad (Mahila) P.S. Case No. 71 of 2016



registered for the offences punishable under Sections 323, 406, 498A, 504/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The basis accusation is of torture for non-fulfillment of dowry demand.

However, on the statement made in paragraph 9 of the main petition that the petitioner is ready to keep the informant as wife with full dignity and honour and it was also submitted on behalf of the informant that the informant accepts the offer of the petitioner and both sides agreed to appear before the learned Court below on 8th of September, 2017 when the petitioner will take the informant to keep her as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for six months vide order dated 19.08.2017. The provisional 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. However, the petitioner could not appear and furnish bail bond and also could not appear on 8th of September, 2017 the agreed date between the parties hence a modification application being Cr. Misc. No.



47534 of 2017 was filed for extending the period of surrender, whereby the period of surrender, consequently the period of surrender was extended by four weeks vide order dated 11.10.2017, but it is submitted that the petitioner being employed in Saudi Arab could not surrender and hence, the present application.

Considering the nature of accusation and the fact that the petitioner is still ready to keep the informant as wife with full dignity and honour and the issuance of notice to the informant will further delay the reconciliation of the issue between the parties, the period of surrender is extended by four weeks and the period of provisional bail is also extended for a period of six weeks in connection with Jehanabad (Mahila) P.S. Case No. 71 of 2016 pending in the Court of learned Chief Judicial Magistrate, Jehanabad.

It is expected from the learned Court below to issue notice to the informant and on her appearance the petitioner will take the informant to keep her as wife with full dignity and honour. The rest conditions for confirmation of provisional bail as incorporated in order dated 19.08.2017 will remain the same.

Accordingly, this modification application is



disposed of.

However, it is made clear that no further
modification application will be entertained.

(Dinesh Kumar Singh, J)

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