

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55155 of 2017

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

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Vinay Kumar son of Late Ramashray Yadav Resident of Village Khedalpura,
P.S. Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Baby Kumari daughter of Mahendra Yadav R/o Village - Kotwan, P.S. -
Khagaul, District - Patna (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha
For the Opposite Party/s : Mr. SRI AMIT KUMAR RAKESH

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-02-2018 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 20.1.2017 passed in Cr. Misc. No. 27173 of 2016 to the extent of extending the period of provisional anticipatory bail granted to the petitioner.

The factual matrix of the case is that the petitioner being the husband of the informant was granted provisional anticipatory bail for six months vide order dated 20.1.2017 passed in Cr. Misc. No. 27173 of 2016 in a case registered for the offences punishable under Sections 498A, 504,341 and 323 of the IPC and Sections 3 and 4 of Dowry Prohibition Act on the admission and submission of the petitioner that he is married with the informant and is willing to keep her as wife with full



dignity and honour, the statement to that effect was made in paragraph 2 of the supplementary affidavit filed in main application and despite entering appearance none appeared on behalf of O.P. No. 2.

Learned court below was supposed to issue notice to the informant. The provisional bail of the petitioner was to be confirmed in three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender since he was suffering from severe jaundice. However, the petitioner is still ready to keep the informant as wife with full dignity and honour.

It appears that this Court, vide order dated 22.11.2017 issued notice to O.P. No. 2. The service report suggests that the notices were validly served on 29.12.2017 but none appears on behalf of O.P. No. 2. The matter was also adjourned on 31.1.2018 when none appeared for the O.P. No. 2.

In the circumstances, the period of surrender of the petitioner is extended by three weeks from the date of receipt/production of a copy of this order in connection with



Bihta P.S. Case No. 54 of 2016 pending in the court of learned
ACJM, Danapur. Rest conditions as stipulated in the order dated
20.1.2017 passed in Cr. Misc. No. 27173 of 2016 will remain
the same.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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