

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9158 of 2018

In
Criminal Miscellaneous No.4764 of 2016

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

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Amresh Kumar, Son of Pramod Singh, Resident of Village- Sona, P.O. Piplawan, P.S. Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anuradha Devi, Daughter of Sri Vidaya Bhushan Sharma, Resident of Village- Mananpur, P.O. Chhotaki Akawana, P.S.- Ghosi, District- Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. SMT. VEENA RANI PRASADD.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2018 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 29.1.2016 passed in Cr. Misc. No. 4764 of 2016 whereby the petitioner being husband of the complainant was granted provisional anticipatory bail for one year in Complaint Case No. 164 of 2012, wherein process was directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the IPC, on the basis of the submission of learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is willing to keep her as wife with full dignity and honour. Statement to that effect was made in paragraph 7 of the main



application which reads as follows:

“That the petitioner is husband of the complainant and he is ready to keep the complainant with honour and dignity.”

Learned court below was supposed to issue notice to the complainant.

Subsequently, the petitioner preferred Cr. Misc. No. 5482 of 2017 for modification of the order dated 29.1.2016, passed in Cr. Misc. No. 4764 of 2016. In the said modification application, vide order dated 1.11.2017, the order dated 29.1.2016 passed in Cr. Mic. No. 4764 of 2017 was modified to the extent that provisional anticipatory bail of the petitioner was extended till 31st January, 2018. Both the sides agreed to appear before the learned court below on 20.11.2017 and the petitioner was supposed to take the complainant to keep her as wife with full dignity and honour. 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 complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

The present modification application has been filed for confirming the provisional anticipatory bail of the petitioner on the ground that the issue could not be reconciled. Since the



period of provisional anticipatory bail lapsed on 31.1.2018
whereas the present modification application has been registered
on 15.2.2018, hence, this court is not inclined to interfere in the
matter.

However, keeping in view the fact that the petitioner
was granted provisional anticipatory and the petitioner enjoyed
the privilege of anticipatory bail for a considerable period,
learned court below is expected to consider the prayer of the
petitioner for regular bail in case the petitioner surrenders within
six weeks in connection with Complaint Case No.164 of 2012
pending in the court of the learned JM Ist Class, Jehanabad.

With the aforementioned observation/direction, this
application is disposed of.

(Dinesh Kumar Singh, J)

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