

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44783 of 2018**

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Sonu Kumar Singh S/o Sri Ram Jeevan Singh, R/o Vill.- Gauspur Sarsauna,  
P.S.- Bangara.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Usha Kumari W/o Sonu Kumar Singh, S/o Sri Ram Jeevan Singh, R/o Vill.- Gauspur Sarsauna, P.S.- Bangara, District- Samastipur, At present D/o Shiv Narayan Mahto, R/o Vill.- Panr, P.S.- Dalsingsarai, District- Samastipur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Sri Ajay Kumar -2, APP

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

**ORAL ORDER**

02/ 25-07-2018

The present application has been filed for modification of the order dated 02.02.2016 passed in Cr. Misc. No. 5371 of 2016 for extension of period of provisional bail since the issue has been resolved between the parties.

The petitioner, being the husband of the complainant, was granted provisional anticipatory bail for one year in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code on the basis of statement made in paragraph 9 of the main petition that the petitioner is ready to keep the complainant as wife with full dignity and honour.



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 of the petitioner 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; and or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that in pursuance to this Court's order dated 02.02.2016 the petitioner and the complainant started residing together but subsequently the complainant deserted the petitioner. Though, a compromise petition was filed with the joint signature of the parties before the learned Court below, but thereafter, the father of the complainant filed an application for not confirming the provisional bail of the petitioner. It is further submitted by learned counsel for the petitioner that the petitioner has been appearing on each and every date before the learned Court below and has been making all possible effort to reconcile the issue.

Considering the fact that the period of provisional anticipatory bail got lapsed on 01.02.2017, whereas the present modification application has been registered on



23.07.2018 much after the expiry of period of provisional bail, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner is still ready to reconcile the issue and has enjoyed the privilege of anticipatory bail for considerable period, 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 C.R. No. 178 of 2015, pending in the Court of learned Sub-divisional Judicial Magistrate, Dalsingsarai.

Accordingly, this modification application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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