

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28758 of 2019
In
CRIMINAL MISCELLANEOUS No.4156 of 2011

Arising Out of PS. Case No.-268 Year-2009 Thana- PATNA COMPLAINT CASE District-
Patna

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MD. IMTEYAZ S/o Md. Istekhar R/o village- Indrapuri, Bozidpur, P.S.- Barh,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Parveen Bano W/o Imteyaz, D/o Late Nizamuddin R/o village- Indrapuri,
Bazidpur, P.S.- Barh, District- Patna. At present Mogalpura Gultan Haidri,
P.S.- Khajekala, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-07-2019 Heard learned counsels for the parties.

The present application has been filed for
modification of the order dated 5.5.2011 passed in Cr.
Misc. No.4156 of 2011 in connection with Complaint
Case N. 268 C of 2009 pending in the Court of the
learned ACJM, Patna City to the extent of confirming the
provisional anticipatory bail of the petitioner.

Factual matrix of the case is that the petitioner,



being the husband of the complainant, preferred Cr. Misc. No. 4156 of 2011 with the prayer for anticipatory bail in the aforementioned complaint case wherein process was directed to be issued after cognizance being taken for the offence under Section 498A of IPC. The petitioner was granted provisional anticipatory bail for six months vide order dated 5.5.2011 on the readiness of the petitioner to keep the complainant as wife with full dignity and honour. The provisional anticipatory bail was to be confirmed by the learned court below if the matrimonial harmony is substantially restored or if the complainant refuses to reside with the petitioner.

It appears that the period of provisional anticipatory bail got lapsed on 4.1.2012 and the present application has been registered on 30.4.2019, this Court is not inclined to revise the earlier order.

However, since the petitioner is still ready to keep the complainant as wife with full dignity and honour, let the learned court below consider the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks in connection with Complaint Case N.



268 C of 2009 pending in the Court of the learned
ACJM, Patna City.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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