

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18608 of 2019**

**In
CRIMINAL MISCELLANEOUS No.36670 of 2018**

Arising Out of PS. Case No.-717 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

=====

MD. MUMTAJ ALAM @ MD. MUMTAJ, Son of Md. Mokhtar Alam,
Resident of village- Jogiya, P.S.- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

=====

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

2 17-04-2019 Heard.

The present application has been filed for modification of the order dated 02.07.2018 passed in Criminal Miscellaneous No.36670 of 2018 for extending the period of provisional anticipatory bail.

The petitioner, being the husband of complainant was granted provisional anticipatory bail for six months, in connection with Complaint Case No.717C of 2017, pending before the learned SDJM, Khagaria, wherein process has been directed to be issued after cognizance being taken for the



offences punishable under section 498A of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act, on submission of the petitioner that he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.7 of the main petition :-

“That as per complainant the petitioner is husband of the complainant and he is ready to keep his wife with full respect and dignity.”

The learned Court below was supposed to issue notice to the complainant for her appearance and on appearance of the complainant, the learned Court below had to make effort to reconcile the issue between the parties. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) if the matrimonial harmony is substantially restored (ii) or if the complainant fails to appear before the learned Court below (iii) or if the complainant gets reluctant to reconcile the issue.

Learned counsel for the petitioner drew the attention of this Court towards the order of learned SDJM, Khagaria dated 21.02.2019 passed in Complaint Case No.717C of 2017, wherein it has been recorded that there is a possibility of issue



being reconciled between the parties but since the period of provisional anticipatory bail is going to expire hence, the petitioner was directed to move before this Court with a prayer for extension of the period of provisional bail.

In the circumstances, the order dated 02.07.2018 passed in Cr. Misc. No.36670 of 2018 is modified to the extent that the period of provisional anticipatory bail granted to the petitioner is extended till 30.05.2019.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

