

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22 of 2019

In
CRIMINAL MISCELLANEOUS No.15838 of 2013

Arising Out of PS. Case No.- Year-0 Thana- District-

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Pintu Kumar Yadav @ Anoj Kumar @ Pintu Kumar Son of Umesh Prasad
Yadav Resident of Village- Sansarpur, Police Station- Muffasil, District-
Khagaria,

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Gudiya Kumari Daughter of Satyanarayan Yadav Resident of Village-
Usari , Police Statioin- Gagri, District- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 10.5.2013 passed in Cr. Misc. No.15838 of 2013 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The factual matrix of the case is that the petitioner being husband of the informant in a case registered for the offences punishable under Section 498A of the IPC and Sections 3 and 4 of Dowry Prohibition Act, preferred Cr. Misc. No. 15838 of 2013 with a prayer for anticipatory bail and was granted provisional anticipatory bail for a period of one year on the



submission of the learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour. The learned Court below was supposed to issue notice to the informant and confirm the provisional bail on substantial restoration of matrimonial harmony or on deliberate refusal by the informant to reside with the petitioner.

Learned counsel for the petitioner submits that the issue could not be resolved due to adamant attitude of the informant and the informant subsequently filed another case being Khagaria (Chitragupta Nagar) P.S. Case No. 461 of 2013 with similar accusation wherein the petitioner has been granted provisional anticipatory bail vide order dated 11.2.2014 passed in Cr. Misc. No.42371 of 2013, which was subsequently confirmed.

Considering the fact that the provisional anticipatory bail granted to the petitioner got lapsed on 9.5.2014 and the present modification application was registered on 3.1.2019, coupled with the fact that the informant approached this Court for cancellation of provisional bail which was dismissed on the ground that the provisional anticipatory bail of the petitioner got lapsed on 9.5.2014, this Court is not inclined to modify the



order dated 10.5.2013 passed in Cr. Misc. No.15838 of 2013.

However, keeping in view the fact that in the subsequent case the petitioner has been granted anticipatory bail and has remained on provisional anticipatory bail for a substantial period, it is a case for consideration of prayer of the petitioner for regular bail by learned Court below in case the petitioner surrenders and prays for bail within a period of six weeks in connection with Khagaria Mahila P.S. Case No. 2 of 2013 pending in the Court of the learned CJM, Khagaria.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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