

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23287 of 2017**

**In**  
**CRIMINAL MISCELLANEOUS No.24287 of 2012**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Punam Devi W/o Birendra Kumar Yadav, Resident of Village- Hukaha, P.S.-  
Buxar Muffasil, P.O.- Sondhila, District- Buxar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Birendra Kumar Yadav, Son of Ramvyas Yadav, Resident of Village-  
Hukaha, P.S.- Buxer Muffasil, P.O.- Sondhila, District- Buxar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Awadhesh Prasad Sinha  
For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

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

7      03-07-2019                      Heard learned counsels for the parties.

The present application has been filed for  
modification/recall of the order dated 19.7.2012 passed in Cr.  
Misc. No.24287 of 2012.

The O.P. No. 2, being husband of the petitioner informant,  
in a case registered for the offences punishable under Sections  
498A/34 of the IPC and Sections 3 and 4 of Dowry Prohibition  
Act, preferred Cr. Misc. No. 24287 of 2012 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 O.P. No. 2 that O.P. No. 2 is ready to keep the  
petitioner informant as wife with full dignity and honour and



the provisional bail was to be confirmed by the learned Court below if the matrimonial harmony is substantially restored or if the petitioner informant deliberately refuses to reside with the O.P. No. 2.

It appears from the order dated 2.1.2019 that since the O.P. No. 2 refused to receive the registered cover of notice and the service of notice through ordinary process has been effected through house service, the notices issued to the O.P. No. 2 has been treated to be deemed valid service.

None appears for the O.P. No. 2.

Learned counsel for the petitioner submits that still the provisional bail of O.P. No. 2 has not been confirmed and the learned Court below has been extending the period of provisional bail which is beyond the scope of the order of this Court.

Since the O.P. No.2 was granted provisional anticipatory bail for a period of one year vide order dated 19.7.2012 passed in Cr. Misc. No.24287 of 2012 in connection with Buxar (M) P.S. Case No. 38 of 2012 on the undertaking of the O.P. No. 2 that he will keep the informant as wife with full dignity and honour and the same was supposed to be confirmed by the learned Court below if the matrimonial harmony is substantially



restored or if the petitioner informant deliberately refuses to reside with the O.P. No. 2, but it appears that no attempt was made by the O.P. No. 2 to take the petitioner informant to matrimonial house.

Considering the fact that the period of provisional anticipatory bail got lapsed on 18.7.2013, hence the O.P. No. 2 is no longer on provisional anticipatory bail. Under such circumstances, it is expected from the the learned Court below that it shall pass appropriate order for appearance of O.P. No. 2.

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

**(Dinesh Kumar Singh, J)**

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