

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37327 of 2019

In
CRIMINAL MISCELLANEOUS No.36170 of 2018

Arising Out of PS. Case No.-2307 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MANOHAR DUBEY @ ISHWAR DUBEY S/o Ramchandra Dubey R/o
Gora Bahuarwa, P.S.- Shanichari, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-10-2019 The present application has been filed for

modification of the order dated 06.10.2018, passed in Cr. Misc.

No. 36170 of 2018, whereby the petitioner, being the husband of

the opposite party no.2/complainant was granted provisional

anticipatory bail in connection with Complaint Case No. 2307

of 2016, wherein process were directed to be issued after

cognizance being taken for the offences punishable under

Section 498A of the IPC, to the extent of extending the period of

provisional bail.

It appears that on submission of learned counsel for

the petitioner and statement made in paragraph no. 10 of the

petition, that the petitioner is ready to keep opposite party no.2



as wife with full dignity and honour, which was accepted by the learned counsel for opposite party no.2, the petitioner was granted provisional anticipatory bail for six months. The petitioner and opposite party no.2 were to appear before the learned Court below on 29th of October, 2019 when the petitioner was to take the complainant and her male child to her matrimonial house and keep them 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 or (iii) if the complainant gets reluctant to reconcile the issue.

This Court vide order dated 31.07.2019 issued notice to opposite party no.2.

It appears from the office note dated 15.10.2019 and service report, kept at flag-'C' reflect that ordinary process of notice has been effected through house service, however service report with regard to registered cover of notice has not been received as yet.

In the circumstances, let the notices issued to opposite party no.2 be treated as deemed valid service.



However, none appears on behalf of opposite party no.2.

Learned counsel for the petitioner submits that issue could not be reconciled in terms of the earlier order of this Court dated 06.10.2018, passed in Cr. Misc. No. 36170 of 2018, hence the provisional bail of the petitioner has not been confirmed as yet. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour.

In the circumstances, the period provisional anticipatory bail, granted to the petitioner vide order dated 06.10.2018, passed in Cr. Misc. No. 36170 of 2018, is extended by 15th of December, 2019.

The provisional bail of the petitioner will be confirmed by the learned Court below in terms of the condition as incorporated in the order dated 06.10.2018, passed in Cr. Misc. No. 36170 of 2018.

Accordingly, the present modification application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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