

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50730 of 2018**

**In**  
**CRIMINAL MISCELLANEOUS No.26144 of 2016**

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

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Sarvesh Giri, Son of Bideshi Giri, Resident of Village- Chikanauta, Police Station- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar  
2. Priyanka Devi, Wife of Sarvesh Giri, D/o Pannalal Giri, R/o Mohalla – Kolhuarwa, Ward No. As prayed for, list the matter after two weeks. P.S. Nagar Police Station Motihari, District – East Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dhurendra Kumar  
For the Opposite Party/s : Mr.Sri Binod Kumar 3

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

3      06-03-2019                      The    present    application    has    been    filed    for  
  
modification of order dated 15.12.2016 passed in Cr. Misc. No.  
  
26144 of 2016 for extending/confirming the provisional  
  
anticipatory bail.

The petitioner, being the husband of the daughter of the informant, preferred Cr. Misc. No. 26144 of 2016 with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 323, 324, 325, 504, 506, 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. The petitioner was granted provisional anticipatory bail for one year on the statement made in paragraph 8 of the petition



that the petitioner is ready to keep his wife with full honour and dignity since it was submitted on behalf of the daughter of the informant that she is ready to accept the offer of the petitioner and to go with the petitioner to resume the conjugal life from the Court itself. The provisional bail of the petitioner was to be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the daughter of the informant fails to appear before the learned Court below or (iii) if the daughter of the informant gets reluctant to reconcile the issue.

It appears that the period of provisional bail got lapsed on 14.12.2017 and the present modification application has been filed on 16.08.2018, this Court is not inclined to interfere.

Moreover, it is submitted by learned counsel for the opposite party no. 2 that the bail bond of the petitioner has already been cancelled and the same has not been challenged. However, it is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the daughter of the informant with full dignity and honour, though, the learned counsel for the opposite party no. 2 submits that opposite party no. 2 is apprehensive due to the past conduct of the petitioner.



In the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Sugauli P.S. Case No. 65 of 2014, pending in the Court of learned S.D.J.M., Sadar, East Champaran at Motihari.

Accordingly, the present application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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