

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45917 of 2019

In
CRIMINAL MISCELLANEOUS No.8120 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- JANTA BAZAR District- Saran

MANOJ PRASAD Son of Rameshwar Prasad Resident of Village-Dayalpur,
P.S.-Janta Bazar, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sita Devi Wife of Manoj Prasad, D/o Baijnath Gupta Resident of Village-Parsagadh, P.S.-Ekma, District-Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-09-2019 Heard both sides.

The petitioner filed this petition for modification of the order dated 13.02.2019 passed in Cr. Misc. No.8120 of 2019.

The learned counsel for the petitioner submits that petitioner appeared on each and every date and he showed his willingness to take his wife but his wife on one pretext or other did not accompany the petitioner. It is submitted that provisional bail granted to the petitioner be confirmed.

A report was called for and the learned A.C.J.M. V reported that the matter was taken up for reconciliation between the husband and wife on different dates. On 29.06.2019, the



husband and wife agreed to resolve their disputes and restore their conjugal relation. Accordingly, the case was fixed on 02.08.2019 but only after two days, the petitioner-husband filed an application that he went to the house of his wife but he was neither welcomed nor his wife agreed to accompany him, therefore, his provisional bail should be confirmed. The wife also appeared and refuted the submissions made by the husband. The husband did not agree to take the wife to working place.

It appears that on the basis of the undertaking given by the petitioner, the petitioner was granted provisional anticipatory bail for four months but when the petitioner was found unwilling to restore the conjugal relations, the provisional bail granted to the petitioner was cancelled by the learned court below.

Taking into consideration the facts aforesaid, I do not find any reason to confirm the provisional bail granted to the petitioner. Accordingly, the modification petition is dismissed.

(Prabhat Kumar Jha, J)

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