

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45935 of 2019

In
CRIMINAL MISCELLANEOUS No.35507 of 2014

Arising Out of PS. Case No.-1144 Year-2013 Thana- COMPLAINT CASE District- Banka

RAJA RAM MANDAL Son of Kailu Mandal Resident of Village - Chandan,
P.S.- Chandan, Distt - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Lalita Devi Wife of Raja Ram Mandal, D/o Girija Mandal Resident of Village - Gharwatilha, Pailwa, P.S.- Chandan, Distt - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-09-2019 Heard learned counsels for the petitioner and the State.

The present application has been filed for modification of the order dated 27.04.2015, passed in Criminal Miscellaneous No. 35507 of 2014 to the extent of extending the period of surrender.

It appears that the petitioner, being the husband of the complainant, was granted provisional anticipatory bail for one year in connection with Complaint Case No. 1144 of 2013, pending before the learned SDJM, Banka, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the I.P.C. and



Section 4 of the Dowry Prohibition Act, on the submission and statement made in paragraph no.7 of the main petition to the effect that the petitioner is ready to keep the complainant as wife with full dignity and honour. The offer of the petitioner was acceptable to the complainant and in that background both sides were agreed to appear before the learned Court below on 18.05.2015 when the petitioner was supposed to take the complainant to keep her as wife 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 complaint fails to appear before the learned Court below; or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that due to miscommunication, the petitioner could not surrender within the stipulated period.

Considering the fact that the period of provisional anticipatory bail has already been lapsed on 26.04.2016 and the present modification has been registered on 23.07.2019, this Court is not inclined to entertain the present application.

However, the learned Court below will consider the



prayer for regular bail of the petitioner without being prejudiced by the order of this Court, if he surrenders before the learned Court below within a period of four weeks in connection with Complaint Case No. 1144 of 2013, pending before the learned SDJM, Banka.

Accordingly, the modification application stands disposed of.

(Dinesh Kumar Singh, J)

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