

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28900 of 2017

In
CRIMINAL MISCELLANEOUS No.19251 of 2016

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

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Anil Sharma Son of Balram Sharma, Resident of Village- Bhaddi, P.S.- Sour Bazar O.P. Patarghat, District- Saharsa.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Asha Devi @ Rajiya Devi, D/o Satya Narayan Sharma, W/o Anil Sharma, Resident of Village- Bhaddi, P.S.- Sour Bazar, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-07-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 2.5.2016 passed in Cr. Misc. No.19251 of 2016 to the extent of confirming the provisional anticipatory bail to the petitioner.

The petitioner being husband of the complainant, preferred Cr. Misc. No. 19251 of 2016 with a prayer for anticipatory bail in a complaint case wherein process was directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494 of the IPC, and was granted provisional anticipatory bail for one year on the submission of learned counsel for the petitioner that the petitioner is ready to keep the



complainant as wife with full dignity and honour. Thereafter, the learned Court below was supposed to issue notice to the complainant and the provisional bail was to be confirmed on substantial restoration of matrimonial harmony, or if the complainant gets reluctant to reconcile the issue or if the complainant fails to appear before the learned Court below.

Learned counsel for the petitioner submits that the complainant never appeared before the learned Court below.

Considering the fact that the petitioner was granted provisional anticipatory bail vide order dated 2.5.2016 and the present modification application has been registered on 23.6.2017, this Court is not inclined to interfere.

This application is, accordingly, dismissed.

However, in view of the fact that the petitioner is ready to keep the complainant as wife with full dignity and honour, let the learned Court below consider the prayer of the petitioner for regular bail in case the petitioner surrenders and prays for bail within a period of six weeks.

(Dinesh Kumar Singh, J)

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