

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56238 of 2019
In
CRIMINAL MISCELLANEOUS No.73596 of 2018

Arising Out of PS. Case No.-2588 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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MD. HASNAIN QUARAISI Sn of Kummu Quaraisi Resident of Village -
Madapur Chapra, P.S.- Pusa, Dist.- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Munni Khatoon W/o Hasnain Quaraisi , D/o Late Md. Rahuf Quaraisi
Resident of Village - Madapur, P.S.- Chapra, P.S.- Pusa , Dist.- Samastipur,
A/P D/o Late Md. Rahuf Quaraisi R/o Chaksaoai, P.S.- Lalganj, Distt.-
Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 20.12.2018 passed in Cr. Misc. No.73596 of 2018 in connection with Complaint Case No. 2588 of 2017 pending in the Court of the learned ACJM XI, Vaishali at Hajipur to the extent of extending the period of surrender of the petitioner.

The factual matrix of the case is that the petitioner being



the husband of the complainant was granted provisional anticipatory bail for six months on the submission that the petitioner is ready to keep the complainant with full dignity and honour. The provisional anticipatory bail 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.

It appears that the period of provisional anticipatory bail granted to the petitioner got lapsed on 19.6.2019 whereas the present application has been registered on 3.9.2019, statement has been made in paragraph no. 4 of the petition that earlier modification application has been dismissed vide order dated 31.7.2019 passed in Cr. Misc. No. 47507 of 2019. Hence, on this score also, the present modification application is misconceived.

However, in view of the fact that this Court granted provisional anticipatory bail in view of the compromise between the parties, let the learned Court below consider the prayer of the petitioner for regular bail without being prejudiced by this order, in case he surrenders before the learned ACJM XI, Vaishali at Hajipur in connection with the aforementioned case within a period of six weeks.



This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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