

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72936 of 2018

In
CRIMINAL MISCELLANEOUS No.46234 of 2015

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

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Sujeet Kumar Mahto S/o Dinesh Mahto Resident of Village-Dumri Kothia,
P.S. Bngara, Distt.-Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rinku Devi Wife of Sujeet Kumar Matho D/o Surendra Chaudhary Resident
of Village-Pirganj,P.S. Patori,Distt.-Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh

For the Opposite Party/s : Mr.Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2019 The present application has been filed for

modification of order dated 03.03.2016 passed in Criminal

Miscellaneous No. 46234 of 2015 to the extent of extending the

period of surrender and executing bail bond.

The factual matrix of the case is that the petitioner,
being the husband of the informant, preferred Criminal
Miscellaneous No. 46234 of 2015 with a prayer for anticipatory
bail in connection with N.H. Bangra P.S. Case No. 04 of 2015
registered for the offences punishable under Sections 498A/313
of the Indian Penal Code, pending in the Court of learned



Judicial Magistrate, Ist Class, Samastipur. The petitioner was granted provisional anticipatory bail for six months vide order dated 03.03.2016 passed in Cr. Misc. No. 46234 of 2015 on the submission made in paragraph 14 of the main petition that the petitioner is ready to keep the informant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) or if the informant fails to appear before the learned Court below or (iii) or if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner and the informant are residing together as husband and wife but the petitioner failed to surrender and execute bail bond.

This Court is not inclined to modify the order after more than three years of grant of provisional bail of six months vide order dated 03.03.2016 as the provisional bail got lapsed on 02.09.2016, whereas the present modification application has been registered on 05.12.2018.

Considering the present stand of the petitioner that he is residing with his wife, the informant, let the petitioner surrender before the learned Court and pray for regular bail..



The prayer for bail will be considered by the learned Court below, if the petitioner and informant appear before the learned Court below within four weeks from today with a joint affidavited petition that both are residing together as husband and wife.

Accordingly, this modification application stands disposed of.

(Dinesh Kumar Singh, J)

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