

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70410 of 2019

In
CRIMINAL MISCELLANEOUS No.18994 of 2019

Arising Out of PS. Case No.-635 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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MD. JAMIL Son of Late Israil Resident of Village - Keshaw Narayanpur,
P.S.- Chak Laalse, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chandni Parveen W/o Jamil Resident of Village - Keshaw Narayanpur, P.s.-
Chak Laalse, Distt.- Samastipur at Present D/o Md. Rafique, Village
Khemkaranpur, P.S.- Tisiauta, Distt.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha
For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 06-11-2019 This modification application has been filed for

modification of order dated 02.07.2019 passed in Criminal

Misc. No. 18994 of 2019, by which both the petitioner and O.P.

No.2 is directed that “ both the petitioner and O.P. No. 2 shall

appear before the learned Court below on 9.7.2019 and both will

file petition that they are ready to reside with each other and on

filing of such petition and on taking of the complainant from the

Court below itself by the petitioner, he shall be released on bail

on furnishing bail bond of Rs. 25,000/- (Twenty five thousand)

with two sureties of the like amount each to the satisfaction of

the learned SDJM, Vaishali at Hajipur in connection with



Vaishali complaint case No. C 1635 of 2017, Tr. No. 2813 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure”.

Submission of learned counsel for the petitioner is that in compliance of the order of this Court petitioner surrendered on 09.07.2019 but complainant did not appear before the learned Court below and refused to reside with the petitioner, as such application is still pending before the learned court below.

In view of the facts as stated above, the above order is modified only to the extend that the learned court below shall enquire from the O.P. No. 2, if she is ready to reside with the petitioner or not if she is ready, petitioner shall keep her full dignity and care. However, if she is not ready to reside with the petitioner, petitioner shall be released on bail as per direction given by this Court.

Accordingly, this modification application is allowed.

(Vinod Kumar Sinha, J)

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