

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31844 of 2017

In

CRIMINAL MISCELLANEOUS No.10653 of 2016

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

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Ratnesh Chaudhary Son of Sri Hirdayanand Chaudhary, Resident of Village-Belaur, Police Station-Udwant Nagar in the District of Bhojpur

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Reema Devi Wife of Ratnesh Chaudhary, Resident of Village-Belaur, Police Station-Udwant Nagar in the District of Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma
For the Opposite Party/s : Mr.Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-07-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 28.3.2016 passed in Cr. Misc. No.10653 of 2016.

The petitioner being husband of the informant in a case registered for the offences punishable under Sections 498A,406, 384 and 504 of the IPC, preferred Cr. Misc. No. 10653 of 2016 with a prayer for bail and was granted provisional bail for a period of three months on the submission of the learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with



full dignity and honour in the background of the fact that petitioner was accused in Ara Nawada P.S. Case No. 160 of 2015 registered under Sections 366A of the IPC wherein the petitioner was already on bail. Both sides were directed to resolve the issue and thereafter the provisional bail was to be confirmed when the issue is resolved.

Learned counsel for the petitioner submits that the petitioner made attempts to resolve the issue but due to non-cooperation of the informant, it could not be resolved. However, the bail bond of the petitioner has not been cancelled.

Considering the fact that the petitioner was granted provisional bail after remaining in custody for four months and in the present modification application, notices were issued to O.P. No. 2 vide order dated 10.10.2018 but since the office note dated 11.12.2018 reflected that the house service was effected in pursuance to the notice issued to O.P. No. 2, vide order dated 12.12.2018, the service of notices issued to O.P. No. 2 were directed to be deemed valid.

Considering the nature of accusation and the fact that



the provisional bail was granted after the petitioner remained in custody for four months, the provisional bail granted to the petitioner vide order dated 28.3.2016 passed in Cr. Misc. No.10653 of 2016 in connection with Udwant Nagar P.S. Case No. 290 of 2015, is hereby confirmed.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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