

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45872 of 2019

In
CRIMINAL MISCELLANEOUS No.29136 of 2017

Arising Out of PS. Case No.-590 Year-2014 Thana- SARAN COMPLAINT CASE District-
Saran

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Raushan Kumar S/o Laliteshwar Mishra R/o village- Sunderpur, P.S.-
Kotwali, Distt.- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari W/o Raushan Kumar, D/o Sri Jai Prakash Singh Presently
residing at Villag2020e- Hemantpur, P.S.- Dighbara, Distt.- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-03-2020 The present application has been filed for

modification of order dated 28.06.2018 passed in Cr. Misc. No.

29136 of 2017, whereby the petitioner, being the husband of the

complainant-opposite party no.2 was granted provisional

anticipatory bail in Complaint Case No. 590 of 2014, wherein

process has been directed to be issued after cognizance being

taken for the offences punishable under Sections 498A and 379

of the Indian Penal Code, pending in the Court of learned Sub-

divisional Judicial Magistrate, Saran at Chapra.

The basic accusation is of torture.

On the joint prayer of the parties that the issue has



been resolved and petitioner is ready to keep the complainant as wife with full dignity and honour and the offer was accepted by the complainant, the petitioner was granted provisional anticipatory bail for six months vide order dated 28.06.2018 passed in Cr. Misc. No. 29136 of 2017. 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.

In the present modification application, the notices were issued to the complainant-opposite party no. 2 vide order dated 31.07.2019 and interim order was passed. It appears that the present application has been dismissed for non-prosecution vide order dated 25.09.2019 and the same has now been restored. None appears for complainant-opposite party no. 2.

In this circumstances, this Court is not inclined to modify the earlier order. However, let learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, considering the fact that still petitioner is ready to comply the undertaking given before this Court earlier.



Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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