

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71881 of 2019

In
CRIMINAL MISCELLANEOUS No.5619 of 2018

Arising Out of PS. Case No.-437 Year-2016 Thana- SAHARSA District- Saharsa

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Pramod Kumar Bhagat @ Pramod Bhagat S/o Late Ashok Bhagat R/o village-
Mahrajganj, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rinki Kumari D/o Shobha Bhagat R/o village- Kachhari Dhala, Ward No. 1,
Saharsa, P.S.- Saharsa, District- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 16-09-2020 The Court proceeding has been conducted through
virtual mode.

The application has been filed for modification of
order dated 21.08.2019 passed in Cr. Misc. No. 5619 of 2018 to
the extent of extending the period of appearance of the
petitioner before the learned Court below for confirming the
provisional bail in pursuance to the order aforementioned.

It appears that the notices were issued to opposite
party no. 2 vide order dated 05.02.2020. The office note dated
15.05.2020 reflects that the notices have been received by
opposite party no. 2 but none has appeared on behalf of opposite
party no. 2 on 12.08.2020, 25.08.2020 and 10.09.2020 and



today also none is appearing on behalf of opposite party no. 2.

The factual matrix of the case is that the petitioner, being the husband of the informant, preferred Cr. Misc. No. 33535 of 2016 with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. Specific statement was made in paragraph 11 of the said petition that the petitioner is ready to keep the informant as wife with full dignity and honour and the offer was accepted by the informant and both sides agreed to appear before the learned Court below on 10th of November, 2016, hence, petitioner was granted anticipatory bail provisionally for one year vide order dated 24.10.2016. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or of the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned Court below.

Subsequently, the petitioner filed Cr. Misc. No. 5619 of 2018 for modification of the order dated 24.10.2016, passed in Cr. Misc. No. 33535 of 2016, whereby the petitioner was granted provisional anticipatory bail to the extent of confirming



the provisional bail. In the said proceeding notices were issued vide order dated 04.04.2018 and on the joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of Patna High Court Legal Services Committee vide order dated 10.07.2019. In mediation the parties decided to part ways on payment of one time settlement amount of Rs. 3,25,000/-. In the circumstances, the order dated 24.10.2016, passed in Cr. Misc. No. 33535 of 2016 was modified to the extent that the provisional bail granted to the petitioner was extended by 16th of September, 2019 and learned Court below was expected to pass appropriate order for confirming the provisional bail on appearance of the informant and admitting the factum of receiving of settlement amount.

It is submitted by learned counsel for the petitioner that the petitioner could not appear before the learned Court below within stipulated period and hence, the period of provisional bail may be extended. It is further submitted that the bail bond of the petitioner has not been cancelled.

Learned counsel for the State submits that he has no objection in extending the period of appearance before the learned Court below.

In the circumstances, the period of provisional bail is



extended till 10th of October, 2020 in connection with Saharsa Sadar P.S. Case No. 437 of 2016, pending in the Court of learned Chief Judicial Magistrate, Saharsa.

It is expected from the learned Court below to pass appropriate order with regard to confirming the provisional bail of the petitioner in view of the fact that the issue has been resolved between the parties and earlier the informant has not opposed the prayer for modification since she had received one time settlement amount.

Let the order be transmitted to the learned Court below through e-mail.

Accordingly, the present modification application stands disposed of.

(Dinesh Kumar Singh, J)

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