

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.247 of 2020

In
CRIMINAL MISCELLANEOUS No.10981 of 2019

Arising Out of PS. Case No.-393 Year-2018 Thana- TRIVENIGANJ District- Supaul

Manish Kumar Son of Satyendra Yadav Resident of Village- Mahesua, P.S.-
Triveniganj, Distt- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari Wife of Manish Kumar, Daughter of Sukhdeo Yadav
Resident of Village-Baljora, P.S-Tribeniganj, District-Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
counsel for the State.

The present application has been filed for
modification of order dated 25.02.2019 passed in Cr. Misc. No.
10981 of 2019, whereby the petitioner was granted provisional
anticipatory bail for six months in a case registered for the
offences punishable under Sections 341, 323, 379, 504, 506 and
498A of the Indian Penal Code.

The accusation is basically torturing and driving away



the informant from the matrimonial house.

On specific statement of the petitioner in paragraph 11 of the main petition that he is ready to keep the informant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for six months vide order dated 25.02.2019 passed in Cr. Misc. No. 10981 of 2019. The learned Court below was directed to issue notice to the informant and on her appearance, the petitioner was supposed to take the informant to keep her 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, or (ii) if the informant fails to appear before the learned Court below, or (iii) if the informant deliberately gets reluctant to reconcile the issue.

It appears from the order of the learned Additional Chief Judicial Magistrate-I, Supaul dated 29.08.2019, as contained in Annexure-5, that the issue could not resolved since the informant wants to reside at Triveniganj and the petitioner was not ready for the same, hence, the learned Court below declined to confirm the provisional anticipatory bail since the petitioner was reluctant to reconcile the issue.



It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the informant as wife with full dignity and honour and the informant is in difficulty to live in her matrimonial house as she has to maintain the old parents of the petitioner.

Since the period of provisional anticipatory bail got lapsed on 24.08.2019 and the present modification application has been registered on 07.01.2020, learned Court below refused to confirm the provisional anticipatory bail on 29.08.2019 itself, this Court is not inclined to modify the earlier order.

However, in view of the present stand of the petitioner that he is still ready to keep the informant as wife with full dignity and honour, let the learned Court below make an effort to reconcile the issue within three months of the resumption of the Court proceedings in physical mode.

In the meantime, let no coercive steps be taken against the petitioner in connection with Triveniganj P.S. Case No. 393 of 2018, pending in the Court of learned Additional Chief Judicial Magistrate-I, Supaul till the mediation is going on.

However, if the issue is not reconciled then the petitioner will surrender and pray for regular bail.



Accordingly, the present modification application
stands disposed of.

(Dinesh Kumar Singh, J)

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