

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74575 of 2019

In
CRIMINAL MISCELLANEOUS No.37752 of 2015

Arising Out of PS. Case No.-1864 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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MD. IRSHAD KHAN Son of Md. Rakim Khan Resident of Village -
Fatehpur, P.S.- Sonebarsa, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tabassum Akhtar Wife of Md. Irshad Khan, D/O - Md. Akhtar Raza Khan @
Phul Mohammad Khan Resident of Village - Khutauna, P.S.- Malangawa,
District- Sarlahi (Nepal)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.
Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-02-2020

Heard learned counsel for the parties.

The present application has been filed for modification of the order dated 04.10.2016, passed in Criminal Miscellaneous No. 37752 of 2015 to the extent of extending the period of surrender.

The petitioner, being the husband of the complainant, was granted provisional anticipatory bail for three months, in connection with Complaint Case No.C1-1864 of 2013, pending



before the learned SDJM, Sadar, Sitamarhi, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the I.P.C. on the basis of submission that the issue between the parties has been reconciled and the complainant is residing with him. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below on getting it verified after giving notice to the complainant that the complainant has reconciled the issue.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender before the learned Court below within the stipulated time since for earning his livelihood he went abroad.

Considering the fact that the present application, preferred with a prayer for modification of the order dated 04.10.2016, has been registered on 19.11.2019, this Court is not inclined to entertain the present application.

Let the petitioner along with the complainant appear before the learned Court below within a period of four weeks from today when the learned Court below will make effort to get the issue mediated between the parties and if it is found that the complainant is residing with the petitioner, the learned Court



below will consider to grant bail to the petitioner.

Accordingly, the modification application is disposed
of.

(Dinesh Kumar Singh, J)

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