

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82061 of 2019

In
CRIMINAL MISCELLANEOUS No.80003 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MAHFOOZ KHAN Son of Mansoor Khan Resident of Village - Dariyapur,
P.S.- Sangrampur, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Neha Khatoon W/o Mahfooz Khan, D/o Ayub Khan, Resident of Village -
Sherpur, P.S.- Chakia, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-06-2020 Heard both sides through Video Conferencing.

Petitioner by filing this petition seeks modification of
order dated 10.01.2019 passed in Cr.Misc.No.80003 of 2018
and further to seek extension of six months time to resolve the
dispute between petitioner (husband) and O.P. No.2.

The petitioner was granted provisional anticipatory
bail for six months and the court below was directed to make
efforts for resolution of the dispute between the husband and the
wife and if the dispute is resolved and the petitioner keeps his
wife properly, the provisional bail granted to the petitioner shall



be confirmed. If the dispute is not resolved between the husband and the wife, the court below shall pass order in accordance with law on the provisional bail of the petitioner immediately after lapse of six months.

Learned counsel for the petitioner submits that during the period of six months the husband and the wife could not resolve their dispute amicably and, therefore, the learned court below by order dated 05.08.2019 refused to extend the provisional bail of the petitioner and cancelled the representation filed under Section 317 of the Cr.P.C. Learned court below further directed to issue non-bailable warrant of arrest against the petitioner. It is further submitted that now the petitioner and his wife have amicably settled their dispute.

Having considered the facts aforesaid, I am not inclined to extend the period of provisional bail of the petitioner as the petitioner could not be able to resolve the dispute with his wife within six months. Accordingly, the modification petition is dismissed.

If the petitioner appears before the learned court below with a compromise petition with his wife, the learned court below will see it and verify the compromise petition. If the compromise petition is genuine, the learned court below shall



pass order immediately on the bail petition of the petitioner in
accordance with law.

(Prabhat Kumar Jha, J)

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