

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13411 of 2020**

**In**  
**CRIMINAL MISCELLANEOUS No.59754 of 2019**

Arising Out of PS. Case No.-37 Year-2019 Thana- MAHILA P.S. District- Samastipur

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JYOTI KUMAR SINGH @ LALAN SINGH Son of late Mahashwar Singh  
Resident of Village - Vikash Nagar, Mathurapur, P.S.- Waris Nagar, Distt -  
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Runni Kumari Wife of Jyoti Kumar Singh @ Lalan Singh, D/o Garbhu Sahani Resident of Village - Vikash Nagar Mathurapur, P.S.- Waris Nagar, Distt - Samastipur.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr. Vinay Kumar Mishra, Advocate     |
| For the Opposite Party/s | : | Mr. Pawan Kumar Chaurasia, APP       |
| For the O.P. No. 2       | : | Mr. Choudhary Shyam Nandan, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

10    17-08-2021                      Heard Mr. Vinay Kumar Mishra, learned Advocate for the petitioner and Mr. Choudhary Shyam Nandan for the opposite party no. 2. The State is represented by Mr. Pawan Kumar Chaurasia, learned APP.

The application has been filed for modification of the order dated 21.11.2019 passed by a Bench of this Court in Cr. Misc. No. 59754 of 2019.

By the aforesaid order, the petitioner was directed to surrender before the court below and opposite party no. 2 to remain present in court at that time.



The court below was given the direction that if the petitioner files an affidavit that he shall keep the opposite party no. 2 with proper dignity and care to which she is entitled, he would be granted provisional bail and his conduct shall be monitored and the provisional bail shall be confirmed only after six months, when the relationship between the spouses would be found to the satisfaction of the opposite party no. 2.

It appears that the petitioner was granted provisional bail and the opposite party no. 2 had accompanied him to her matrimonial home.

However, later, according to Mr. Choudhary Shyam Nandan, learned Advocate for the opposite party no. 2, she was tortured. She came back from her matrimonial home and reported the matter to the court.

Learned counsel for the petitioner, however, narrates a different story and submits that she herself is not desirous of living with him.

In any view of the matter, the order dated 21.11.2019 cannot be modified as the order sought to be modified clearly spells out that the provisional bail shall be confirmed only in the event of the relationship between the spouses is continuing peacefully.

The prayer for modification is rejected.

However, it would be open for the petitioner to



settle the dispute with his wife and approach the court below again afresh, when the entire factual scenario would be seen and necessary orders shall be passed in accordance with law without any prejudice.

The petition stands disposed off accordingly.

**(Ashutosh Kumar, J)**

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