

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43165 of 2018**  
**In**  
**CRIMINAL MISCELLANEOUS No.47201 of 2014**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Uttam Kumar Singh @ Bajrangi Singh Son of Vijay Singh, Resident of  
Village- Rampur, P.S.- Arrah M, District- Bhojpur.

... .. Petitioner

Versus

1. State Of Bihar and Anr
2. Sita Devi, D/o Ramawadhesh Singh, W/o Uttam Kumar Sing, Resident  
of Village- Rampur, P.O.- Krishnagarh Dewaria, P.S.- Ara O.P. Dhobaha  
District Bhojpur at present resident of Village Balha Balua, P.S.- Ara  
Mufassil, District- Bhojpur.

... .. Opposite Parties

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**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Yogendra Kumar Singh, Adv. |
|                          | : | Mr.Nitu Kumari, Adv.           |
| For the Opposite Party/s | : | Mr.Sri Arun Kumar Singh, APP   |

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

11    12-01-2021                      Heard Mr. Yogendra Kumar Singh, learned  
  
counsel for the petitioner and learned APP for the State.

This is an application seeking modification of  
  
the order dated 30.07.2015 passed by a Bench of this  
  
Court in Cr. Misc. No. 47201 of 2014, whereby this Court  
  
granted provisional bail to the petitioner with certain  
  
conditions.

Perused the order dated 30.07.2015.



This Court while granting provisional bail to the petitioner had noted down in the order that opposite party no. 2, who was present in the Court stated that she was prepared to live with the petitioner provided she was given due respect and her children were taken care of. In order to tests the bonafides of the petitioner, he was granted provisional bail with the condition that he along with his wife shall appear before the court below which shall enquire from opposite party no. 2 whether she is satisfied about the relationship and only on her confirmation, the provisional bail be extended for next eight months.

Thereafter again, a condition was imposed that the petitioner would appear before the court below along with his wife/ opposite party no. 2 and if on that occasion also, opposite party no. 2 would confirm before the court below that she is being kept properly, the provisional bail shall be confirmed.

The aforesaid conditions were imposed only perhaps to ensure that the petitioner does not hoodwink the process of the Court after taking bail.



Learned counsel for the petitioner has submitted that after staying / residing with the petitioner for a brief while, the opposite party no. 2 ran away to her father's house and despite frantic insistence by the petitioner for the return of opposite party no. 2 to the matrimonial fold, she has not shown up upto now.

Considering the aforesaid submission made on behalf of the petitioner for the purposes of modification of the order dated 30.07.2015, this Court had issued notice to opposite party no. 2 by both modes.

It appears that ordinary notice was received by opposite party no. 2 personally but she refused to give the receipt of her acceptance. The registered cover notice was received by one Chanchal Singh, who in his receipt had stated that he is the family member of opposite party no. 2. Despite this, there has been no appearance of opposite party no. 2 for all this while before this Court.

Since the opposite party no. 2 has not been appearing before this Court even on acceptance of notice, it would only be expedient to modify the order dated



30.07.2015.

The order is modified to the extent that the petitioner shall not be required to approach the Trial Court along with his wife. The petitioner shall appear before the Trial Court and produce a copy of this order. The Trial Court shall extend the period of provisional bail after issuing notice to opposite party no. 2. If opposite party no. 2 does not appear on such notice, the provisional bail of the petitioner shall be confirmed.

The order dated 30.07.2015 stands modified accordingly.

The petitioner stands disposed of.

**(Ashutosh Kumar, J)**

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