

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4229 of 2022**

**In
CRIMINAL MISCELLANEOUS No.73635 of 2019**

Arising Out of PS. Case No.-174 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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MD. EKBAL Son of Md. Rafique Resident of Village- Madudabad, P.S.-
Mohiuddinnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Ms. Indu Kumari Srivastava

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

2 02-02-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks modification of the order
dated 26.10.2021 passed by this Court in Criminal
Miscellaneous No. 73635 of 2019.

By the aforesaid order, this Court had directed the
petitioner to surrender before the Court below within a
period of eight weeks from the date of that order on which
he was directed to be released on provisional bail.

This Court had further directed that while granting
provisional bail to the petitioner, his wife (opposite party No.



2) shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of the return of opposite party No. 2 to her matrimonial home and the provisional bail of the petitioner would be confirmed only on settlement of dispute between the parties or in the event of the opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

The learned counsel for the petitioner has submitted that during the aforesaid period, the petitioner was residing in the State of Tamil Nadu and due to Covid -19 restrictions, he could not surrender before the court below within the period mentioned in the order dated 26.10.2021.

The order dated 26.10.2021 is modified to the extent that in case the petitioner surrenders before the court below within a period of six weeks from today, he shall be accorded the privilege under the order dated 26.10.2021.

The other directions /observation mentioned in



the order dated 26.10.2021 shall subsist.

The order stands modified to the extent indicated
above.

The modification application stands disposed of
accordingly.

(Ashutosh Kumar, J)

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