

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31457 of 2021

In
CRIMINAL MISCELLANEOUS No.32178 of 2019

Arising Out of PS. Case No.-827 Year-2018 Thana- KANKARBAG District- Patna

PRINCE RAJ S/o- Vijay Singh R/o Village- Haraipur, P.S.- Basantpur,
District- Siwan, at present residing at Mohalla- 10, P.S. Colony, Near Shivaji
Park, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankita Singh D/o- Arun Kumar Singh Resident of Village- Shivrahiya, Post-
Bisunpura, P.S.- Garkha, District- Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 07-12-2022 Heard Mr. Krishna Prasad Singh, learned senior
counsel appearing for the petitioner, Mr. Rajesh Kumar Singh,
learned senior counsel appearing for the informant and learned
APP for the State.

The modification application has been filed for
modification of the order dated 12.09.2019 passed in Cr. Misc.
No. 32178 of 2019. The petitioner was granted provisional bail
for a period of six months with certain conditions:-

*“Having heard both sides, considering the facts and
circumstances of the case, this application is disposed of with
direction to the petitioner and the informant to appear before*



the concerned court below on 25.09.2019 and if the petitioner files an affidavit that he is ready to keep the informant with himself with full honour and dignity and if he is willing to take the informant with himself from the court itself, the court below shall release the petitioner on provisional bail for a period of six months to his own satisfaction and in the meantime, the court below will watch the conduct of the parties by calling the complainant and petitioner in the second week of each month for a period of six months and after six months, if the court below is satisfied with their matrimonial life as well as their conduct specially the conduct of the petitioner, he will pass an appropriate order as he deems fit and proper either confirming the provisional bail or cancelling the same.

It is also made clear that if the informant does not appear and is not ready to live with the petitioner in that situation also the petitioner will be released on bail.”

The present modification application has been filed after lapse of more than two years on the ground that it did not possible to keep the opposite party No.2 because she is suffering from an incurable heart disease and also suffering from mental disorder before the marriage and also not able to give birth a healthy child. Learned senior counsel for the petitioner further



submits that in view of the aforesaid and in the interest of justice, the order dated 12.09.2019 may be modified.

Mr. Rajesh Kumar Singh, learned senior counsel appearing for the informant, on the other hand, vehemently opposed the prayer of the petitioner for modification of the aforesaid order and submits that the petitioner after enjoying the privilege of provisional bail he filed the present modification application only to harass the opposite party No.2.

The Court noticed Section 362 of Cr.P.C. it reads as follows :-

“362 – Court not to alter judgment. Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”

In the aforesaid facts and circumstances, the instant modification petition stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

