

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9980 of 2022

In
CRIMINAL MISCELLANEOUS No.51826 of 2019

Arising Out of PS. Case No.-1286 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

VINAY KUMAR YADAV Son of Harendra Rai Resident of Village -
Bhagwanpur Simra, P.s.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi W/o Vinay Kumar Yadav , D/o Mahadeo Rai Resident of Village - Bhagwanpur Simra, P.s.- Paroo, Distt.- Muzaffarpur. At Present D/o Mahadeo Rai Resident of Village - Bhuwalpur @ Bahadurpur, P.s.- Goroul, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raju Kumar
For the Opposite Party/s	:	Mr.Abhay Kumar
For the informant	:	Mr. Kaushal Kishore

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-08-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners as well as the learned APP for the State.

The present application has been filed for modification of the order dated 04.11.2019 passed in Cr.Misc. No. 51826 of 2019, by which the same was disposed of.

The petitioner is the husband of Sanju Devi, who lodged complaint case against him for torture due to non-fulfilment of dowry demand. The case was registered under Sections 498(A) and 323 including Section 3/4 of the Dowry Prohibition Act. On 04.11.2019, the petitioner was granted



anticipatory bail on his assurance that he will keep the victim with dignity and care. While granting anticipatory bail, the petitioner was directed to surrender before the court below on 15.11.2019. It was also one of the conditions that on that day opposite party no.2 shall also remain present in the court and if the petitioner is ready to keep her with dignity and care and opposite party no.2 is also ready to reside with the petitioner, the petitioner shall be released on bail to the satisfaction of the court below with the condition that the petitioner has to keep the complainant with him with dignity and care.

The petitioner did not surrender before the court below on the date indicated by this Court and he filed Cr.Misc. No. 6582 of 2020 for extension of time. That petition was allowed vide order dated 18th of January, 2021 and the order dated 04.11.2019 was modified to the extent that if the petitioner appears before the court below within a period of eight weeks from the date of order dated 18.01.2022 along with opposite party no.2 and gives an undertaking that opposite party no.2 shall be kept in matrimonial home with due regard and dignity, he will be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned SDJM, West Muzaffarpur in



connection with Complaint Case No. 1286 of 2017, corresponding to Tr.No.4106 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. With these conditions the modification petition was allowed.

Even after modification order, the petitioner did not surrender before the court below and filed the present petition for extension of time. The petitioner was granted anticipatory bail in the year 2019. The modification petition was allowed on 18.01.2021, even then he did not surrender and he filed the present modification petition which has been filed after inordinate delay. Now, the time earlier granted to the petitioner cannot be extended.

With these observations, the application stands disposed of.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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