

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.57445 of 2023

In

CRIMINAL MISCELLANEOUS No.71341 of 2022

Arising Out of PS. Case No.-461 Year-2021 Thana- DESARI District- Vaishali

Chandan Rai @ Chandan Kumar S/O Amrit Rai R/O Village- Sahdei
Chakawa, P.S- Desari, Distt.- Hajipur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Surendra Rai S/O Late Lal Bachchan Rai R/O Village- Barhari Supaul, P.S-
Rajapakar, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 08-12-2023 Heard Mr. Sunil Kumar Singh, learned Counsel
appearing on behalf of the petitioner and Ms. Sangeeta Sharma,
learned APP appearing on behalf of the respondent/s.

2. The present application has been filed for
modification of order dated 17.05.2023 passed in Cr. Misc.
No.71341 of 2022.

3. This Court finds that due to inadvertence, the father
of the victim girl, namely Surendra Rai, was made opposite party
no.2, in order dated 17.05.2023 passed in Cr. Misc. No. 71341 of
2022, whereas it is Sandhya Devi, who is arrayed as O.P. No.3,
whose name should have been mentioned as opposite party No. 3

in the impugned order.

4. Considering the aforesaid submission, the order dated 17.05.2023 passed in Cr. Misc. No. 71341 of 2022, where under it has been stated opposite party no. 2, the same be understood as informant and wife of the petitioner as opposite party no. 3.

5. The petitioner and his wife, i.e. opposite party No.3 have not been able to reconcile their estrange matrimonial relationship and the petitioner wants to get rid of his wife on any terms and conditions.

6. Considering the submission made on behalf of the petitioner, this Court can only deprecate the desire of the petitioner, who himself finds that he does not want to live with the opposite party No.3. As such, he may face consequences, if he is not able to convince opposite party No.3 either to live along with him or to go for an amicable settlement.

7. This Court, under such circumstances, can only extend the period granted for reconciliation for further six weeks. In case of failure, the order granting provisional bail shall loose its force.

8. The above order has been passed taking into consideration that on the last occasion both the parties had agreed to live together and now the petitioner has shown his desire that he wants to get rid of his wife only to reconcile by way of indulgence

so that he may reconsider his undertaking already given before this Court.

9. With the aforesaid modification, the present modification petition stands disposed of.

(Purnendu Singh, J.)

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