

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75021 of 2023

In
CRIMINAL MISCELLANEOUS No.2518 of 2022

Arising Out of PS. Case No.-21 Year-2020 Thana- PANDARAK District- Patna

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ADITYA JAISWAL Son of Om Prakash Jaiswal R/o mohalla - Yarpur
Khagaul Road, P.s. - Gardanibag, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. VARSHA KUMARI Wife of Aditya Jaiswal, D/o Dinesh Kumar R/o vill -
Mamarkhabad, p.s. - Pandarak, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sourendra Pandey, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-12-2023 Heard learned counsel for the parties.

2.The present application has been filed for
modification of the order dated 18.05.2022 passed in Cr. Misc.
No.2518 of 2022.

3.It is submitted on behalf of the petitioner in
paragraph no.15 that informant and her family's hostile conduct
can be gathered from the fact that while the petitioner was in
custody, the father of the informant filed a complaint case
No.72(C) of 2022 for the offence under Sections 341, 323, 420,
406, 504, 506, 379 of IPC against the father and mother of the
petitioner on completely false and fabricated facts creating ante
dated incident of 2017 and 2018.



4.It is further submitted in paragraph no.16 that on 22.04.2022 when the parents of the petitioner went at the court below at Barh, he was assaulted by the father of the informant in the court premises and thereafter father of the petitioner lodged FIR on 05.05.2022 in Barh PS Case No.258 of 2022.

5.Petitioner having not fulfilled the terms and conditions of the provisional bail, his bail bond was cancelled. In these backgrounds, learned counsel submits that there is no chance of any amicable settlement and petitioner being a poor person is not in a position to sustain his livelihood as well as to take care of his father and mother. It is further submitted that the facts of the aforesaid cases could not be brought into the notice of this Court in Cr. Misc. No.2518 of 2022. On these grounds, petitioner seeks modification of the order dated 18.05.2022 passed in Cr. Misc. No.2518 of 2022.

6.Considering the aforesaid submissions made on behalf of the petitioner, District Court is directed to summon the opposite party no.2 and if she does not agree to live with the petitioner then in that case, the provisional bail granted by this Court to the petitioner shall be confirmed on such terms and conditions as imposed by this Court.

7.In case, any affidavit is filed by the opposite party



no.2 that petitioner deliberately does not desire to live along with her as is evident from the pleading that the petitioner had sent his parents to visit the house of the opposite party no.2 which led to filing of case and counter case as informed in paragraph nos.15 and 16 of the bail application.

8.The provisional bail granted to the petitioner shall remain in force till further such period as the District Court deems it fit and proper in the facts and circumstances considering the strained relationship between the parties as well as every hope that both the parties will resolve their matrimonial dispute amicably.

9.The order dated 18.05.2022 passed in Cr. Misc. No.2518 of 2022 stands modified to the aforesaid extent only. The other parts of the order shall remain intact by extending the period of amicable settlement for further one year.

10. With aforesaid observations and directions, the Modification petition is disposed of.

(Purnendu Singh, J)

Sanjay/-

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