

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67506 of 2024

In
CRIMINAL MISCELLANEOUS No.47235 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- MAHILA P.S District- West Champaran

Deepesh Kumar Tiwari Son of Diwakant Tiwari R/o Belbanwa, P.S.- Motihari
Town, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shastri Sundaram @ Saloni Tiwari, Wife Of Deepesh Kumar Tiwari, D/O
Late Madhurendra Madhu R/o Shastri Nagar, P.S.- Bettiah, Dist.- West
Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastwa, Sr. Advocate Mr. Sangeet Deokuliar, Advocate Mr. Akhilesh Kumar, Advocate Mr. Girish Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the O.P. No.2	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2024 Heard Mr. Amit Shrivastwa, learned Senior counsel,

along with Mr. Sangeet Deokuliar learned counsel appearing on

behalf of the petitioner; Mr. Sanjay Kumar Tiwary, learned

counsel appearing on behalf of the State and Mr. Sachida Nand

Rai, learned counsel appearing on behalf of the Opposite Party

No.2.

2. The modification in the order dated 07.08.2024

passed in Cr. Misc. No.47235 of 2024, as sought for in the

present application, cannot be entertained in light of the bar

contained in Section 362 of the Code of Criminal Procedure,



however, I find that petitioner has all protection under Section 41 of the Code of Criminal Procedure in light of the law laid down by the Apex Court in the case of **Arnesh Kumar v. State of Bihar** reported in **(2014) 8 SCC 273** and subsequently in the case of **Satender Kumar Antil v. CBI**, reported in **(2022) 10 SCC 51**.

3. At this stage, Mr. Sachida Nand Rai, learned counsel appearing on behalf of the Opposite Party No.2 informs that the informant is willing to negotiate to reconcile the estrange matrimonial relationship with the petitioner and eagerly waiting for the petitioner to keep her alongwith him.

4. In view that the parties have jointly submitted that they are willing to live together by resolving all their strained matrimonial relationship.

5. The order dated 07.08.2024 passed in Cr. Misc. No.47235 of 2024 is not interfered in any manner.

6. Accordingly, the present modification application stands disposed of.

(Purnendu Singh, J.)

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