

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11991 of 2015

Arising Out of PS.Case No. -90 Year- 2012 Thana -DIGHA District- PATNA

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1. Swati Kumari Singh Wife of Bijay Kumar Singh and Daughter of Prithvi Raj Singh Resident of-Quarter No.MIGR 34, Housing Colony, (Near Chhat Talab), Dhanbad, P.S.-Dhanbad, District-Dhanbad (Jharkhand) presently residing at Quarter No.93, State Bank Officers' Colony, Digha Ghat, P.S.-Digha, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bijay Kr. Singh Son of Birendra Kumar Singh Resident of-Quarter No.MIGR 34, Housing Colony (Near Chhat Talab) Dhanbad, P.S.-Dhanbad, District-Dhanbad (Jharkhand).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh
For the Opposite Party/s : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-05-2015 Heard both sides.

The petitioner has filed this petition for cancellation of bail of Opposite Party N0.2 Bijay Kumar Singh.

It is submitted that Opposite Party No.2 was granted provisional anticipatory bail vide order dated 13.5.2013 passed in Cr.Misc.No.16121 of 2013 with the direction that he will take his wife to his house after being granted provisional bail. The Opposite Party No.2 disobeyed the direction of the court and his provisional bail was cancelled, when the Opposite Party No.2 did not turn up to take the petitioner.

It is submitted that after grant of provisional bail, Opposite Party No.2 did not appear and considering the same, his bail bond was cancelled. O.P.No.2 surrendered in the court below and he was taken into custody.O.P.No.2 was granted regular bail

vide order dated 29.1.2015 passed in Cr.Misc.No.4011 of 2015. It is submitted that the husband Opposite Party No.2 placed the wrong fact that the wife did not agree to live with him but the facts are otherwise.

It appears that the husband was granted regular bail after remaining in jail since 17.12.2014 as the dispute could not be resolved between husband and wife. The petitioner did not misuse the privilege of bail nor indulged in crime.

Considering the facts aforesaid, I do not find the case fit for cancellation of the bail of the Opposite Party No.2 and accordingly, the same is **rejected**.

(Prabhat Kumar Jha, J)

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