

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17045 of 2015

Arising Out of PS.Case No. -1452 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

=====

1. Parmod Yadav son of Raj Kishore Yadav, resident of village- Durdih,
P.S. Ramgarh, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi wife of Sri Parmod Yadav, resident of village- Durdih, P.S.
Ramgarh, District- Lakhisarai, Bihar at present D/o Janak Kishore Yadav
resident of village Sarabad, P.S. Sono, District Jamui, Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kartik Kumar Sinha
For the Opposite Party/s : Mr. Anil Kumar(App)

=====

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 30-07-2015 Heard.

The petitioner is the husband of the complainant and is facing the allegation of ill-treating and torturing his wife at yet another occasion after the wife had filed Complaint Case No.1286C of 2011 in which the petitioner had obtained some conditional order of bail by an order passed in Cr.Misc.No.3233 of 2013. That particular bail order was for one year whereafter the lower Court was to pass an order of confirmation or otherwise on the bail order.

Submission is that Cr.Revision No.06 of 2013 was filed before the learned Sessions Judge, Jamui and the records of Complaint Case No.1286C of 2011 were sent for and those have

been received by the Office of the learned Sessions Judge and the progress of the complaint case no.1286C of 2011 is stayed only on account of the non-availability of the report to the Magistrate.

It was contended that because this Court had passed a conditional order of bail and the wife and her parents were asking the petitioner to live with the wife in the house of her parents which the petitioner was not ready to go and repeated complaint petitions have been filed so as to putting criminal pressure upon the petitioner.

I had very pointedly asked the learned counsel appearing for the complainant to produce before me any order which could have been passed by the SDJM, Jamui in the above noted case on account of breach of the conditions of provisional bail which was passed by this Court in the above noted Cr.Misc.Petition. The learned counsel appearing for the complaint has not been successfully producing any such order before me.

Considering the submission and considering the circumstances pointed out by the learned counsel for the petitioner, let the above named petitioner be directed to be released on anticipatory bail either in the event of his arrest by the police or surrender in the court below on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount

each to the satisfaction of SDJM, Jamui in connection with Complaint Case No.1452(C) of 2013 as laid down under Section 438(2) Cr.P.C.

Let the learned Sessions Judge be reminded that seeking record unnecessarily of a trial only compounds the pendency figure of his Judgeship. He should be mindful of it that the records of Complaint Case No.1286C of 2011 if not required be immediately transmitted to the court concerned. Revision Petition in the opinion of this Court could be decided merely by looking to the impugned order and there could be a rare occasion for any Court to have the limps for every page of record.

(Dharnidhar Jha, J)

B.Kr./-

U		T	
---	--	---	--