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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21976 of 2015

Arising Out of PS.Case No. -151 Year- 2014 Thana -BUDDHACOLONY District- PATNA

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1. Priyanka Gautam. Wife of Rahul Dewidi (D/o Dr. Bimal Kishore Mishra). Resident of village - Barari Bharauli, P.S.- Shahpur Patti, District - Bhojpur (Ara). presently residing at 1st Floor, Saraswati Bhawan, Road No. 6 (C), Rajendra Nagar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rahul Dewedi. Son of Kash Nath Dubey. Resident of village - Dadura, P.S.- Rajpura, District - Buxar, at present Mahatma Gandhi Nagar, Bazar Samiti Road, Buxar, P.S.- Buxar, District - Buxar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sarvan Kumar
For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 20-05-2015 Heard learned counsel for the petitioner as well as learned Additional Public prosecutor for the State.

The opposite party no. 2 was granted provisional bail by this Court vide order dated 12.02.2015 giving direction to the court below to keep vigil on the relation of the parties and if the concerned court finds any bitterness the parties, the concerned court should pass appropriate order on regular bail petition of the petitioner.

Learned counsel appearing for the petitioner submits that after passing of the above stated order dated 12.02.2015 passed in Cr. Misc. No. 32376 of 2014, the opposite party no. 2

again started torturing the petitioner and thereafter, petitioner prayed before the trial court for cancellation of provisional bail granted to the petitioner but the trial court vide impugned order dated 15.04.2015 refused to pass order on the regular bail petition of the petitioner.

In view of the facts and circumstances of the case, this petition stands disposed of with direction to Sub-Divisional Judicial Magistrate, Patna to pass appropriate order on the prayer of the petitioner in connection with Budha Colony P.S.case No. 151 of 2014 keeping in mind the observations given by this Court vide order dated 12.02.2015 passed in Cr. Misc. no.32376 of 2014, particularly taking note of this fact that the above stated order dated 12.02.2015 was passed on the ground of compromise and with an intent to restore the dispute of the parties but when the dispute of the parties could not resolve and bitterness between them is still continuing, the aforesaid circumstance gives liberty to the court below to pass appropriate order in accordance with the direction given by this court in Cr. Misc. No. 32376 of 2014.

(Hemant Kumar Srivastava, J)

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