

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1375 of 2016

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1. Upendra Yadav @ Byash Yadav son of Munshi Yadav Resident of village - Karihara, Police Station - Wazirganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Baby Devi wife of Upendra Yadav @ Byas Yadav Resident of village - Karihara, Police Station - Wazirganj, Distt. - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2016

The present application has been filed for quashing the order dated 04.11.2015 passed by learned Sessions Judge, Gaya in Cr. Misc. No. 138 of 2015, arising out of Wazirganj P.S. Case No. 279 of 2015, whereby the petitioner's petition dated 09.10.2015 with a prayer for direction to the informant/O.P. No. 2 to resume the conjugal life was dismissed as not maintainable as learned Sessions Judge directed the petitioner to move the concerned Magistrate.

The petitioner being husband of the informant/O.P. No. 2 is accused in a case registered under Sections 147, 149, 494, 498A of the Indian Penal Code. The petitioner was granted provisional bail vide order dated 24.07.2015 passed by learned Sessions Judge, Gaya vide ABP No. 1519 of 2015 with certain conditions. The provisional bail of the petitioner was to be confirmed by learned Magistrate

within a period of six months on finding that the informant is leading a peaceful matrimonial life.

It is submitted by learned counsel for the petitioner that informant is not complying her part of condition of bail, hence matrimonial harmony has not been restored.

In view of this Court, learned Sessions Judge has rightly directed the petitioner to move the concerned Court, where the matter is pending. Hence, in view of this Court the present application is premature.

Accordingly the application is disposed of with liberty to the petitioner to file appropriate application at the appropriate stage in connection with Wazirganj P.S. Case No. 279 of 2015, pending in the Court of learned Sessions Judge, Gaya.

(Dinesh Kumar Singh, J)

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