

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25076 of 2015

Arising Out of PS.Case No. -3074 Year- 2012 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Sanjay Pal Son of Amerika Pal Resident of village Navranga P.S. -
G.B.Nagar, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Devi w/o Sanjay Pal, D/o Rudal Pal R/o Vill - Baikunthpur, P.O.
Machkaana, P.S. - Andar, District - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishore Mishra

For the Opposite Party/s : Mr. Satyendra Narayan Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 04-05-2016

The present application has been filed for
quashing the order dated 28.03.2015 passed by learned Sub-
divisional Judicial Magistrate, Siwan in Complaint Case No. 3074
of 2012 whereby the bail bond of the petitioner has been
cancelled.

The petitioner being the husband of the
complainant preferred Cr. Misc. No. 35354 of 2013 with a prayer
for anticipatory bail in a complaint case wherein processes were
directed to be issued after cognizance being taken under Sections
406 and 498A/34 of the Indian Penal Code.

The basic accusation is of torture.



On submission of learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour the petitioner was granted provisional anticipatory bail for one year vide order dated 08.10.2013. The provisional bail was to be confirmed by the learned court below in three eventualities, if the matrimonial harmony is restored substantially within one year or the wife deliberately refuses to reside with the petitioner or she fails to appear before the learned court below but it will not be confirmed by the learned court below if substantive proof comes that the petitioner had performed second marriage then the petitioner will surrender and pray for regular bail.

It appears that the provisional anticipatory bail was granted for one year vide order dated 08.10.2013 but the provisional bail was not confirmed till 28.03.2015, in the meantime, the petitioner fails to appear on two dates and a petition was filed on behalf of the petitioner, hence, ultimately vide order dated 28.03.2015 the learned SDJM cancelled the bail bond of the petitioner and issued non-bailable warrant.

This Court finds that the order of the learned SDJM is inconsonance to the order passed by this Court. Hence, this Court is not inclined to interfere. But keeping in view of the

submission that the petitioner and the complainant have resolved the issue and she does not want to prosecute the case and has also filed a petition to that effect before the learned court below, let the learned court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned court below within a period of six weeks from today.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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