

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10780 of 2016**

Arising Out of PS.Case No. -46 Year- 2013 Thana -MAHILA PS District- JEHANABAD

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1. Chinta Mohan Kumar @ Rajesh Kumar @ Shanku Kumar @ Chinta Mohan son of Satyendra Singh, resident of Village- Barhana, Police Station- Chandi, District- Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Simmi Devi daughtr of Sanjay (Singh) Kumar, resident of Village- Okari, Police Station-Okari O.P., District- Jehanabad, wife of Sanjay Kumar, resident of Villge- Nirpur, P.O. & Police Staton- Bind, District- Nalanda.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Bharat Lal(App)

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

5      29-07-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 504, 319, 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It appears that petitioner was granted provisional anticipatory bail by a coordinate Bench of this Court(now retired) vide order dated 17.01.2014 passed in Cr. Misc. No. 51225 of 2013 with a direction to the petitioner to deposit Rs. 750/- per month before learned Court below with a liberty to the informant to withdraw the same. On default in making payment the provisional bail of the petitioner was directed to be cancelled automatically.



It appears that on appearance of the informant/O.P. No. 2 and on submission of O.P. No. 2 that petitioner is not making payment of maintenance amount of Rs. 750/- as stipulated in the order granting provisional bail to the petitioner, the coordinate Bench of this Court dismissed the application by cancelling the provisional bail of the petitioner vide order dated 24.09.2014 passed in Cr. Misc. No. 51225 of 2013 when none appeared on behalf of the petitioner. Thereafter the present anticipatory bail application has been filed wherein the same coordinate Bench issued notices to the O.P. No. 2.

It is submitted by learned counsel for the petitioner that informant/O.P. No. 2 has remarried. It is further submitted that petitioner executed the bail bond in pursuance to the provisional bail granted to the petitioner.

In the circumstance, the anticipatory bail application is not maintainable in view of the ratio laid down by the Division Bench of this Court in the case of **Bishundeo Sahu versus State of Bihar reported in 2011(1) PLJR 731**. However, in view of the submission of the counsel for the petitioner that petitioner is ready to resolve the issue, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Trial No. 1465 of 2015, arising out of Jehanabad Mahila P.S. Case No. 46 of 2013, pending in the

Court of learned Judicial Magistrate, 1<sup>st</sup> Class, Jehanabad.

With the observations above, the application  
stands disposed of.

Shageer/-

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**(Dinesh Kumar Singh, J)**