

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45236 of 2015

Arising Out of PS.Case No. -51 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Vicky Kumar @ Vivek Kumar, son of Bisundeo Prasad, resident of village-
Dumrawan, Police Station- Deep Nagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Munni Kumari D/o Jawahar Sao, resident of Village- Kushahr P.O. &
P.S. Bind Dist- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Adv.

For the Opposite Party/s : Mr. S.N.Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-09-2016 The present application has been filed for quashing

the order dated 05.06.2015 passed by learned SDJM, Nalanda at

Biharsharif in Complaint Case No. 51C of 2012 whereby bail

bonds of the petitioner have been cancelled.

The factual matrix of the case is that the petitioner
being the husband of the complainant while apprehending his
arrest in a complaint case wherein process has been directed to be
issued after cognizance being taken for the offences punishable
under Section 498A of the IPC, preferred Cr. Misc. No. 32069 of
2012 with a prayer for anticipatory bail. On submission of the
learned counsel for the petitioner that the petitioner is ready to
keep the complainant as wife with full dignity and honour and



denies to have performed second marriage, the petitioner was granted provisional anticipatory bail for one year when the petitioner and the complainant was to appear before the learned court below on 5th of October, 2012 when the petitioner was to take the complainant to matrimonial house to keep her as wife with full dignity and honour. The provisional bail of the petitioner was to be confirmed by the learned court below on substantial restoration of matrimonial harmony or if the complainant deliberately refuses to reside with the petitioner.

It appears from the impugned order dated 05.06.2015 that the petitioner retracted from his stand of keeping the complainant as wife with full dignity and honour and since period of provisional bail was one year, hence learned SDJM, Nalanda, Bihar Sharif cancelled the bail bonds of the petitioner.

It is submitted by the learned counsel for the petitioner that in compliance to the order of this Court, the petitioner twice took the complainant to the matrimonial house but the complainant is not ready to resume the conjugal life.

Considering the fact that the petitioner was granted provisional anticipatory bail for one year vide order dated 17.09.2012 and the period of provisional bail expired on 16.09.2013 whereas the present quashing application has been

preferred on 21.09.2015, much after lapse of period of provisional bail, this Court is not inclined to interfere.

However, let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks keeping in view of the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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