

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21411 of 2016

Arising Out of PS.Case No. -137 Year- 2015 Thana -SANGRAMPUR District- MUNGER

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Gaurav Kumar son of Sri Vijay Singh r/o village- Maujam, P.S.- Sangrampur, District- Munger

.... Petitioner

Versus

1. The State of Bihar
2. Puspam Kumari D/O Sri Raghwendra Singh, resident of village- Chakratani, P.S. Sangrampur, District-Munger

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 28-06-2017 Heard Sri Manoj Kumar, learned counsel for the petitioner. The petitioner was earlier extended the privilege of anticipatory bail on 14.12.2016 with condition that if subsequently Opp.Party no.2/ wife feels that she has been deceived by the petitioner and any torture is administered to Opp.Party no.2, she would be at liberty to file a mentioning slip before this Court and in that event on the basis of mentioning slip the Court may recall the order.

In the present case, a mentioning slip was filed by Opp.Party no.2/wife and, thereafter by order dated 09.03.2017, notice was directed to be issued to the petitioner to file show cause as to why earlier privilege extended for grant of anticipatory bail



may not be recalled. Thereafter, husband of Opp.Party no.2/petitioner has appeared.

It was submitted by learned counsel for the petitioner that the petitioner is still ready to keep Opp.Party no.2 with respect as wife. However, besides filing mentioning slip, Opp.Party no.2 has filed a supplementary affidavit on 20th June,2017 and in paragraph nos. 4 and 5 a specific allegation has been made regarding assault and manhandling, for which a Sanha was lodged and also a petition for cancellation of bail under Section 439(2) Cr.P.C. was filed.

Considering the fact that privilege of anticipatory bail was conditional and since condition has been violated, there is no reason to allow the order dated 14.12.2016 to further continue.

Accordingly, the order dated 14.12.2016 is hereby recalled. If so advised, the petitioner may appear before the court below and make a prayer for regular bail. In that event, the learned court below without being prejudiced with this order may pass appropriate order in accordance with law, if possible, on the same day.

(Rakesh Kumar, J)

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