

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27959 of 2016

Arising Out of PS.Case No. -59 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Jyoti Kiran alias Dolly, wife of Surendra Kr. Sinha, daughter of Ramnandan Prasad, resident of Village/Mohalla- Chakdian Sangat Gali Shekhpura, P.S. - Shekhpur, District- Sheikhpura.
At present resident of Mohalla- Gandhi Nagar, P.S. - Motihari Town, District- East Champaran.

.... Petitioner.

Versus

1. The State of Bihar.
2. Surendra Kumar @ Bablu, son of Krishna Kumar Sinha, resident of Mohalla- Chakdiwan Sangat Gali, Sheikhpura, P.O.+ P.S. - Sheikhpura, District- Shekhpura.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.
For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 28-09-2016

Heard.

This application has been filed on behalf of the petitioner to cancel the anticipatory bail granted to the opposite party no.2 vide order dated 06.05.2015 passed in Criminal Misc. No.41764 of 2014.

It appears that vide order dated 06.05.2015 passed in Criminal Misc. No.41764 of 2014, the opposite party no.2 was directed to be released on provisional bail, in the event of arrest or surrender before the learned court below within a period of four



weeks from that day on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Trial No.4218 of 2013, Enquiry No.09 of 2013, arising out of Complaint Case no.C-59 of 2013, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a direction to the learned trial court to issue notice to the complainant (petitioner) and make attempt to resolve the dispute in between the petitioner (opposite party no.2) and the complainant (petitioner) by taking all possible efforts and if the dispute is resolved, the trial court was directed to confirm the provisional bail of the petitioner (opposite party no.2) and if the dispute is not resolved, the trial court will pass the order on its own merit.

Learned counsel for the petitioner submits that in the light of the aforesaid order dated 06.05.2015 passed in Criminal Misc. No.41764 of 2014, the petitioner (opposite party no.2) was granted provisional bail and on the intervention of the trial court, the petitioner was taken by the opposite party no.2 to his house but, later on, the opposite party no.2 left the petitioner.

Since after negotiation in between the petitioner and the opposite party no.2 before the trial court, the petitioner was

taken by the opposite party no.2 and the dispute being arisen out in between the petitioner and the opposite party no.2, later on, the petitioner was left by the opposite party no.2, as such, I find no reason to cancel the anticipatory bail granted to the opposite party no.2 vide order dated 06.05.2015 passed in Criminal Misc. No.41764 of 2014.

Accordingly, this application stands rejected.

(Rajendra Kumar Mishra, J)

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