

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57361 of 2015

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Ashok Kumar son of Parmeshwar Das

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Kumari W/o Ashok Kumar, Headmistress in Navin Primry School Musahri tola at Mohalla Mehisourhi PO and P.S. and Distt. Jamui.
3. Raj Kishore Tiwari S.I. of Jamui Mahila Police Station Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh

For the Opposite Party/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-01-2016 The present application has been filed for modification of the order dated 9.09.2015 passed in Criminal Miscellaneous No.45873/2014 whereby the petitioner's prayer for anticipatory bail was disposed off. The modification has been sought to the extent of consideration of prayer for anticipatory bail, since the petitioner was not granted bail by learned S.D.J.M., Jamui rather he was directed to be released since the petitioner was arrested during operation of the interim order of this Court.

The petitioner being husband of the informant filed Criminal Miscellaneous No. 45873 of 2014 with a prayer for anticipatory bail in connection with Jamui Mahila P.S. Case No. 43 of 2014 registered under Sections 323, 504, 307, 379 and 498A/34 of the Indian Penal Code. This Court vide order dated

12.03.2015 issued notice to informant-opposite party no. 2 and directed not to take any coercive step against the petitioner in the meantime. But the petitioner was arrested by the police on 22.03.2015 thereafter the learned S.D.J.M., Jamui refused to remand and directed the petitioner to be released from the police custody at once, since, the petitioner was arrested by the police in derogation to this Court's interim order. Since the petitioner was arrested by police and directed to be released by learned S.D.J.M., the prayer for anticipatory bail became infructuous, hence, disposed of vide order dated 09.09.2015. The release of the petitioner by the learned S.D.J.M., Jamui vide order dated 23.03.2015 is treated to be a release on bail. Hence, it will be proper for the learned court below to allow the petitioner to furnish the bail bonds on furnishing adequate sureties in pursuance to the order dated 23.03.2015 passed by learned SDJM, Jamui..

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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