

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60982 of 2017

Arising Out of PS.Case No. -288 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Chandan Bishwakarma @ Chandan Vishwakarma Son of Bhola Nath Vishwakarma resident of Parsudih Khas Mahal, P.S. Parsudih, District - East Singhbhum (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar .
2. Neetu Bishwakarma @ Neelam Kumari Wife of Chandan Bishwakarma resident of Parsudih Khas Mahal, P.S. Parsudih, District - East Singhbhum (Jharkhand) and daughter of Raghu Nandan Bishwakarma presently residing at village + P.S. Fatehpur, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-12-2017 Heard the parties.

Earlier the petitioner was granted provisional bail on the condition that he will take his wife with him and try to live with her with all dignity and care, vide order dated 17.1.2017 passed in Cr. Misc. No.549 of 2017 and thereafter he was granted provisional bail by the learned court below.

Submission of the learned counsel for the petitioner is that thereafter a petition was filed by the complainant as well as her father for cancellation of the bail bond of the petitioner as the petitioner is avoiding the order of the court and thereafter the bail bond of the petitioner was cancelled. The petitioner has now filed



present application on the ground that he is ready to give her maintenance, if any amount is fixed, but without hearing the parties, his bail bond was cancelled.

Heard learned A.P.P. also.

Having heard both sides and from perusal of the discussion as made above, it appears that as the anticipatory bail application is not maintainable. As the bail bond of the petitioner has already been cancelled, however, if the petitioner surrender before the learned court concerned and make proposal to give 1/3 of his salary as maintenance to his wife, the learned court below shall consider the proposal of the petitioner and after hearing O.P.2, he shall pass appropriate order considering the offer of the petitioner.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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