

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.10178 of 2017**

Arising Out of Complaint Case No. -1223 Year- 2012 Thana –BHABHU (KAIMUR) COMPLAIN  
CASE District- BHABHUA (KAIMUR)

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Ramashish Bind, son of Dina Bind, resident of Village- Masoe, P.O.- Amaon,  
P.S.- Chainpur, District- Kaimur (Bhabua).

.... .... Petitioner

Versus

1. The State of Bihar.

2. Dhanauti Devi, wife of Ramashish Bind, Daughter of Ram Hari Bind, resident of  
Village- Masoe, P.O.- Amaon, P.S.- Chainpur, District- Kaimur (Bhabua) at  
present residing at Village-Sahbajpur, P.O.- Moe, P.S.- Chand, District- Kaimur  
(Bhabua).

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 18-09-2017**

This application under Section 482 of the Code of  
Criminal Procedure (for short 'Cr.P.C.') has been filed by the  
petitioner for quashing the order dated 21.11.2016 passed by the  
learned Sessions Judge, Kaimur at Bhabua in Cr. Misc. No.17 of  
2016 by which in exercise of power conferred under Section 439(2)  
of the Cr. P.C., the pre-arrest bail granted to the petitioner in  
connection with Complaint Case No.1223 of 2012, has been



cancelled.

2. It is submitted by the learned counsel for the petitioner that the court below has erroneously cancelled the pre-arrest bail granted to the petitioner without appreciating the fact that he had not violated the undertaking given to the court. He submitted that the court below failed to appreciate that it was the opposite party no.2 herself, who was not willing to live with the petitioner and had voluntarily left her matrimonial house.

3. I have heard learned counsel for the petitioner and perused the record.

4. It would be evident from perusal of the impugned order that the opposite party no.2 had filed complaint petition against the petitioner under Section 498A of the Indian Penal Code. In the said case, the petitioner was granted pre-arrest bail vide order dated 26.06.2014 on the undertaking given by him that he would keep his with dignity and honour. However, the complainant-opposite party no.2 alleged that immediately after grant of bail, the petitioner again started subjecting her to cruelty and, lastly, kicked her out from the matrimonial house.

5. It would further be evident that on perusal of the show cause filed by the petitioner the learned Sessions Judge come to a definite conclusion that the allegations made by the complainant



were correct. Hence, by the impugned order dated 21<sup>st</sup> November, 2016, the privilege of pre-arrest bail granted to the petitioner was cancelled and the petitioner was directed to surrender before the court below and seek regular bail.

6. As the order passed by the learned Session Judge is reasoned one and the petitioner had obtained the privilege of pre-arrest bail on false undertaking given to the court, I see no illegality in order passed by the court below.

7. Accordingly, the application being devoid of any merit, is dismissed.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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