

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52148 of 2015

Arising Out of PS.Case No. -126 Year- 2011 Thana -MEERGANJ District- GOPALGANJ

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Krishna Yadav, son of late Birja Choudhary, resident of village-Umar Mathiya, P.S.- Majhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Parwati Devi, wife of Krishna Yadav, daughter of Lakshmi Chaudhary, resident of village- Umar Mathiya, P.S.-Majhagarh, District- Gopalganj, at present residing at Semrao, P.S.-Mirganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

Mr. Dharmveer, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 20-02-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Mirganj P.S.

Case No.126 of 2011 instituted for the offence under Section(s) 420, 498-A, 406, 494, 323, 504 Indian Penal Code.

By order dated 29.09.2015 passed in A.B.P. No.1761 of 2015, the petitioner was directed by the learned Sessions Judge, Gopalganj, to surrender in the lower Court within four weeks and seek regular bail, which would be granted having regard to the facts and circumstances of the case discussed in the order.

From the discussion in the impugned order of



learned Sessions Judge, it appears that submission had been made before the Sessions Judge that the petitioner is ready to pay rupees one lac twenty five thousand to the informant and also ready to pay the maintenance as per the order of the Principal Judge, Family Court, Gopalganj, which was accepted by the counsel for the informant-Opposite Party No.2 before the Sessions Judge, but instead of surrendering before the lower Court within four weeks in terms of the direction of the Sessions Judge, the petitioner has filed the instant application for anticipatory bail.

This Court does not find any reason to interfere with the direction given by the learned Sessions Judge, Gopalganj, on the basis of the mutual agreement entered between the parties before the Sessions Judge as mentioned in the impugned order.

The petitioner is, therefore, directed to surrender before the Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Mirganj P.S. Case No.126 of 2011 within a period of six weeks from today and make prayer for regular bail. In the event, the Court below finds that the petitioner is ready to abide by the observation made by the learned Sessions Judge, Gopalganj, in para 3 of the order, dated 29.09.2015, passed in A.B.P. No.1761 of 2015 regarding payment of rupees one lac



twenty five thousand as well as amount of maintenance, the Court below will enlarge the petitioner on provisional bail to his satisfaction and will fix time limit with the consent of the parties for final disposal of the pending case(s) pending between the parties in the lower Court and after disposal of the criminal case bail of the petitioner will be confirmed.

It is made clear that in the event the petitioner does not act as per the observation of the learned Sessions Judge, Gopalganj, as discussed above, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail without taking into consideration the observations made above by this Court.

The application stands disposed off.

(Sanjay Priya, J)

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