

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15757 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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Ajay Kumar @ Ajay Kumar Srivastava, son of Munindra Prasad @
Munindra Prasad Srivastava, resident of village Subhash Nagar Parwatiya
Tola, P.S. Muffasil, District West Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Gunjan Prabha, daughter of Dr. Prabhakar Sharan, resident of Mohalla
Naya Agarawa, P.S. Motihari Town, District East Champaran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Informant : Mr. Dilip Kumar Tondon, Advocate
For the Opposite Party/s : . Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-05-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection
with Mahila P.S. Case No. 30 of 2016, G.R.No. 3031 of 2016,
registered for the offences punishable under Sections 341, 323,
406, 498A/34 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

In this case petitioner was granted anticipatory bail
provisionally earlier in Cr.Misc.No. 47061 of 2016, vide order
dated 2.2.2017 by this Court with certain condition, which are as
follows :-

“It is further made clear that the petitioner and
opposite party No.2 shall have to present
themselves before the court below on each
month for a period of six months and the court



below only after verifying the conduct of the parties, shall extend the provisional bail of the petitioner on their appearance on date fixed and after six months, considering their conduct, his bail bonds shall be confirmed, otherwise, he will be free to pass any order as he deems fit.”

However, the petitioner has filed this application stating that the court below has not released him on provisional bail and hence he has come before this Court for grant of anticipatory bail.

It has been submitted on behalf of the petitioner that petitioner has appeared in the court along with opposite party No.2 and he was ready to take the girl but she refused to go with him, however, the court has not allowed provisional bail to the petitioner.

On the other hand, learned counsel for the opposite party No.2 has submitted that as per direction of this Court she has appeared on 1.3.2017 and both the parties have filed joint petition before the court below stating that they are ready to live together but on 4.3.2017 when the case was fixed, the petitioner has not appeared, rather an application has been filed stating that after coming out of the court he was assaulted by family members of opposite party No.2, due to which he received injuries, as such, he could not appear.



It appears that petitioner has no interest to reside with the opposite party No.2, as if he had such intention, he would have appeared before the court on date fixed, i.e., 4.3.2017 or even after that.

Considering the aforesaid aspect of the matter, no fresh order is required to be passed in the matter.

It is made clear that if petitioner is still ready to keep opposite party No.2 with him, he may do so within a period of four weeks and if such occasion arises the court below will consider the same.

This application is disposed of with the above observations.

(Vinod Kumar Sinha, J)

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