

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 9515 of 2017

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Rajesh Kumar Singh Son of Late Janeshwar Singh, Resident of Village- Jay Bigha, P.S.- Madanpur, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. Smt. Laxmi Singh, wife of Ramesh Kumar Singh & D/o Shyam Bahadur Singh, Resident of Mohalla- Chiraiyatarn Gali No.-1, P.S.- Kankarbagh, District- Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 12-04-2017 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner was granted provisional bail for the period of four months vide order dated 26.02.2015 passed in Cr. Misc. No. 7563 of 2015 and direction was given to petitioner to surrender before the court below and furthermore, the learned court below was directed by this court to take proper step to patch up the dispute of the parties and furthermore, the trial court was directed that if the trial court succeeded in his attempt to patch up the dispute of the parties, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself but if due to non cooperative and rigid approach of the informant the



dispute could not be patched up, the trial court in that event also shall confirm the provisional bail granted to the petitioner.

The order dated 19.10.2016 passed by the learned court below as well as report dated 29.03.2017 submitted by the court below vide letter no. 67 dated 29.03.2017 go to show that petitioner in pursuant to order dated 26.02.2015 passed in Cr. Misc. No. 7563 of 2015 surrendered before the court below on 04.04.2015 and was released on provisional bail for the period of four months and subsequently, on 06.04.2015 notice was issued to complainant of the case but the complainant never appeared before the trial court and in the meantime, period of four months was elapsed but the learned trial court neither took pain to confirm the provisional bail or to take the petitioner in custody rather the aforesaid situation was left blanked and subsequently when petitioner prayed before the court below for confirmation of his provisional bail, the court below refused to confirm the provisional bail saying that period of provisional bail has already elapsed.

The approach and attitude of court below is not appreciable and this amounts to violation of order/direction of this court. However, the provisional bail granted to the petitioner vide order dated 26.02.2015 in connection with Complaint Case No.



2325 C of 2010 pending in the court of Sub Divisional Judicial Magistrate, Patna is hereby confirmed and accordingly, this petition stands disposed of.

However, the court below is warned to be more cautious and vigilant while complying the order/direction of this Court.

(Hemant Kumar Srivastava, J)

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