

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15544 of 2017

Arising Out of COMPLAIN Case No. -53 Year- 2016 Thana -BHABHU(KAIMUR) District-
BHABHUA (KAIMUR)

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Tejbant Singh S/o Sri Banshnarain Singh R/o Village Dighita, P.S. Parsathua, Distt.
Rohtas.

... Petitioner

Versus

1. The State of Bihar.
2. Premlata Devi W/o Tejbant Singh R/o Village Dighita, P.S. Parsathua, Distt.
Rohtas. A/p Village Siswar, P.S. Kudra, Dist. Kaimur (Bhabua).

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Advocate
Mr. Rewati Kant Raman, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For the Opposite Party/s : Mr. Parwej Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-12-2017

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 02.02.2017 passed by the learned Sessions Judge, Kaimur at Bhabhua in Criminal Misc. Case No. 43 of 2016 by which he has cancelled the pre-arrest bail order dated 03.06.2016 passed in ABP No. 502 of 2016, arising out of Complaint Case No. 53 of 2016.

2. On perusal of the impugned order dated 02.02.2017, it would be evident that while passing order in ABP No. 502 of 2016,



the petitioner put a proposal to keep his wife in his company with dignity. He also filed a written undertaking in this regard. When such an undertaking was given by the petitioner, the complainant did not raise any objection to the prayer of pre-arrest bail of the petitioner and she agreed to go to her matrimonial home. However, after securing pre-arrest bail, the petitioner failed to take his wife to her matrimonial home. Thus, being aggrieved, the complainant filed an application under Section 439(2) of the Cr.P.C. for cancellation of the bail granted to the petitioner. The learned Sessions Judge heard the parties and came to the conclusion that the defence taken by the petitioner that the complainant herself was not willing to live with the petitioner was not worthy of reliance and cancelled the pre-arrest bail granted to the petitioner, vide order dated 03.06.2016 passed in ABP No. 502 of 2016.

3. Having heard learned counsel for the petitioner and perused the order passed by the learned Sessions Judge, since the petitioner obtained bail by offering the complainant to keep her in matrimonial home with dignity and failed to honour the undertaking given to the court in this regard, I do not see any illegality in the impugned order. The application is dismissed, accordingly.

4. However, in case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being



prejudiced in any manner either by this order or by any order passed by the learned Sessions Judge.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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