

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13160 of 2016

Arising Out of PS.Case No. -460 Year- 2015 Thana -BAHERA District- DARBHANGA

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Krishna Nandan Mahto Son of Ram Prasad Mahto Resident of Village- Kothbanna,
P.S.- Bahera, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Anita Devi, W/o Krishna Nandan Mahto, R/o Village- Kothbanna, P.S.- Bahera,
District- Darbhanga.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Lalit Narayan Jha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-01-2018

This application has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 05.01.2016 passed by the learned Additional Sessions Judge-1, Benipur in Bail Petition No. 151 of 2015 by which he has refused to confirm the provisional bail granted to the petitioner on 09.10.2015.

2. The petitioner has been made an accused in Benipur P. S. Case No. 460 of 2015 registered under Sections 452, 341, 342, 323, 494, 498-A, 504 and 506/34 of the Indian Penal Code. He was granted provisional bail by the learned Additional Sessions Judge, Benipur vide order dated 09.10.2015 on his undertaking that he would keep his wife and minor children in the matrimonial home with dignity and honour. However, the petitioner failed to fulfill his



undertaking given to the court. The wife of the petitioner appeared before the Court and submitted that neither she nor her children were taken to the matrimonial home, rather the petitioner got a fable complaint case instituted through his second wife against the informant vide Complaint Case No. 260 of 2015.

3. Having considered the submissions made on behalf of the parties, the court below refused to confirm the provisional bail granted to the petitioner, as not only he violated the undertaking given to the court, which was one of the conditions for grant of bail, but also got a case instituted against his legally wedded wife in complete disregard to his own stand.

4. For the reasons recorded in the order impugned, I see no illegality in it, which warrants any interference by this Court in exercise of powers conferred under Section 482 of the Code of Criminal Procedure.

5. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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