

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8331 of 2017

Arising Out of PS.Case No. -131 Year- 2012 Thana -HISUA District- NAWADA

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Umesh Yadav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 10-01-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

It appears that the petitioner-husband was apprehending his arrest in connection with a case registered under Section 498-A of the Indian Penal Code. The matter was earlier considered by this Court and appropriate directions granting provisional bail was issued in his favour fixing a sum of Rs. 750/- to be paid by him in the Court below.

Learned counsel for the petitioner submits that he has already paid the amounts which were directed by this Court but for reason on account of certain delay, this Court did not extend the provisional bail in his favour and, therefore, his bail bonds were cancelled.

Learned counsel for the petitioner has come under



changed circumstances that he has been filing the amount, so fixed, by this Court and, therefore, he has prayed for grant of further orders for keeping his arrest in abeyance.

Considering the bonafides of the petitioner, a co-ordinate Bench of this Court had directed that no coercive steps be taken against the petitioner. However, when the matter came up before this Bench, fresh notices were issued to opposite party No. 2 under both process. The service report has been received stating that the process server has reported that the opposite party No. 2 has accepted notice and put her thumb impression in the presence of two witnesses of the village.

Be that as it may and without going into the merits of the case, this Court feels that it would be futile to continue this matter indefinitely as till date the opposite party No. 2 has failed to appear before this Court. However, if the petitioner surrenders before the Court below, with an affidavit, stating that he is filing the amount fixed before this Court towards maintenance of his wife till date, then the Court shall consider his prayer for regular bail on the same day and pass appropriate orders. If the petitioner after deposit of bail bonds, if so directed by the Court shall take appropriate steps and the Court below will issue orders for commitment of the case within a period of four weeks thereafter. After the trial is



placed before an appropriate Court, the trial Court in seisin of the matter shall then proceed expeditiously so that the case reaches its logical conclusion preferably within a period of six months thereafter.

(Anjana Mishra, J)

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