

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39803 of 2017

Arising Out of PS. Case No.-10430 Year-2016 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Panmati Devi wife of Sri Manoj Yadav resident of Chauraon, P.S. - Kuchaikot, District - Gopalganj, Daughter of Gorakh Yadav at present resident of village - Paharpur, P.S. - Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Yadav son of Birbal Yadav
3. Birbal Yadav son of late Jattu Yadav
4. Malti Devi wife of Birbal Yadav All residents of Chamraon, P.S. - Kuchaikot, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey
For the Opposite Party/s : Mr. Sri Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 11-04-2018 The petitioner who is the wife of opposite party no. 2 seeks cancellation of bail of opposite parties no. 2, 3 and 4 on the ground that the court below did not accord any reason in the order dated 24.06.2017 in granting anticipatory bail to the opposite parties on the first day without even noticing the petitioner/complainant.

This is a case of matrimonial dispute between the spouses.

It appears from the order impugned that no effort has been made by the court below to effect any reconciliation. Even the complainant/petitioner was not noticed before granting anticipatory bail to the opposite



parties. The reasoning given by the court below for granting anticipatory bail to the opposite parties also does not appear to be cogent.

There is no allegation in the complaint petition that the petitioner/complainant was ill-treated right from the beginning of the marriage. The case has only been filed when the opposite parties started misbehaving with the complainant/petitioner. In that event, it was absolutely justified for the learned court below to have granted bail on the ground that the marriage had taken place in the year 1995 and the case has been lodged in 2016 and in the interregnum no complaint was lodged by the petitioner.

The order, therefore, is not fit to be sustained in the eyes of law and the same is set aside.

However considering the fact that the opposite parties were on anticipatory bail and have not misused the privilege of bail, they are given the opportunity to approach the court below within a period of four weeks and seek bail afresh.

The court below, after noticing the petitioner/informant, shall decide the matter. All effort shall be taken by the court below to effect settlement between the parties. This Court says so because there is unilateral assertion on the part of the



petitioner/complainant that she is ready and desirous to go back to her matrimonial fold and live as a legally wedded wife of the opposite party no. 2.

In the meantime, no coercive steps, but, shall be taken against the opposite parties no. 2, 3 and 4.

The application is allowed with the aforesaid direction/observation.

(Ashutosh Kumar, J)

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