

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45227 of 2017

Arising Out of PS.Case No. -1598 Year- 2003 Thana -BEGUSARAI COMPLAINT CASE

District- BEGUSARAI

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Renu Devi, W/o Pankaj Kumar Sharma, D/o Ram Charitra Sharma, R/o Vill.-Khoribhatman, P.S.-Hasanpur, District-Samastipur, presently residing at her Maik at Vill.-Suja Tola, P.S.-Muffasil, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Pankaj Kumar Sharma, S/o Brahmadeo Sharma, R/o Vill.-Khoribhatman, P.S.-Hasanpur, District-Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Adv.

For the Opposite Party/s : Mr. Bal Mukund Pd. Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 21-02-2018 The opposite party No. 2, who is the husband of the petitioner, had approached this Court for grant of anticipatory bail. Though the petition was rejected, but an observation was made that if the petitioner surrendered within six weeks of the passing of the order, the court below shall take into account all relevant facts and would pass a reasoned order. Thereafter, opposite party No. 2 surrendered before the court below and sought bail, which



was granted on the strength of no objection by a Lawyer appearing for the complainant.

Learned counsel for the petitioner submits that the Lawyer had already been changed and the Lawyer who gave no objection for grant of bail to opposite party was not authorized by the complainant.

On such ground, an application was filed before the court below for cancellation of bail of the opposite party No. 2.

The learned Additional Chief Judicial Magistrate, Begusarai *vide* his order dated 07.03.2017, rejected such petition on the ground that this case remained pending for examination of the witnesses on behalf of the prosecution for a long time and no witness was being produced. As such, the learned Additional Chief Judicial Magistrate refused to cancel the bail of the petitioner, but gave a direction that only after witnesses on behalf of the prosecution would be examined in this case, the Court would consider the application seeking cancellation of bail of opposite party No. 2.

In the event of the petitioner not prosecuting the case in right earnest, the learned Additional Chief Judicial Magistrate rightly did not pass any order of cancellation of bail.

This Court finds no fault with the orders referred



to above.

This petition is, therefore, dismissed.

The petitioner, if so advised, may follow the direction of the learned Additional Chief Judicial Magistrate, Begusarai.

(Ashutosh Kumar, J)

Praveen-II/-

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