

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62750 of 2017**

Arising Out of PS.Case No. -32 Year- 2015 Thana -MAHILA P.S. District- MUZAFFARPUR

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Mritunjay Kumar S/o Dinesh Prasad Srivastava @ Dinesh Prasad, R/o  
Village- Madhurapur, P.S.- Sahebganj, District- Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Mishr, Adv.

For the Opposite Party/s : Mr. Sri S.M. Rahman, APP 57.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN  
PRASAD**

**ORAL ORDER**

2      03-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 22.09.2017 by which the bail bond of the petitioner has been cancelled by the learned S.D.J.M. West Muzaffapur in G.R. Case No. 1338 of 2015 and Tr. No. 3469 of 2017 by rejecting the application under Section 317 of the Cr. P.C.

A perusal of the order shows that the petitioner was on bail and on the date fixed in the matter he was represented by his Lawyer and a statement was made before the learned Court below that the petitioner was outside the country and was likely to reach on 06.10.2017 but instead of accepting the prayer of the petitioner for the bail, the learned S.D.J.M. rejected the application under Section 317 of the Cr.P.C.



It is submitted that the petitioner is facing the present case on account of matrimonial disputes but has always submitted himself to the jurisdiction of the Court. Learned counsel further submits that the petitioner is ready to appear in the learned Court below in person on any date fixed by this Court and shall cooperate in course of trial so that it may be concluded within a reasonable period.

Learned counsel for the State has opposed the prayer of the petitioner by submitting that the petitioner was required to appear in person on the date fixed in the matter but he failed to do so, therefore, the learned S.D.J.M. rightly rejected the prayer.

In the given facts and circumstances, where this Court finds that the petitioner is serving outside the country and is contesting the present criminal case arising out of the matrimonial discord and was represented under Section 317 of Cr.P.C. on 22.09.2017, in the opinion of this Court, the learned S.D.J.M. West Muzaffarpur was required to give an opportunity to the petitioner particularly when he was being informed that the petitioner will be present in the Court on the next date.

In the given facts and circumstance, the order dated 22.09.2017 insofar as it relates to the petitioner by which the bail has been cancelled is hereby set-aside. The petitioner will appear



in the learned Court below on 09<sup>th</sup> October, 2018 and shall give an undertaking that he will appear in the case or will be represented through his Lawyer in accordance with law on each and every date.

If the petitioner furnishes an undertaking that he will attend the learned Court below to facilitate early disposal of the case, the learned S.D.J.M. shall consider the same keeping in mind that the petitioner is serving outside the country. It is, however, made clear that before leaving the country, the petitioner shall inform the learned Court below and shall take permission in specific words. If, such application seeking permission is filed before the learned Court below, the same shall not be kept pending unnecessarily and will be considered and disposed off within a period of three days from the date of filing of the application.

This application stands disposed off, accordingly.

**(Rajeev Ranjan Prasad, J)**

R.R.Ojha.

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