

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49385 of 2017

Arising Out of PS. Case No.-511 Year-2013 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Ayodhya Prasad @ Pappu Kumar, Son of Lala Prasad, Resident of village-
Khushishalpur, P.S.- Telhara, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Chanchla Sinha, Wife of Shri Ayodhya Prasad @ Pappu Kumar,
Resident of Village- Khushihalpur, P.S.- Telhara, District- Patna at present
Residing at Village- Kolhara, P.O.- Rasisa, P.S.- Aungari, District- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar
For the Opposite Party/s : Smt. Rita Verma

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

6 28-11-2018 Heard the parties and perused the record.

This petition under section 482 of the Cr.P.C has been preferred for quashing the order dated 02.08.2017 passed by learned S.D.J.M. Hilsa, Nalanda in connection with Complaint Case No. 511C/2013 by which and whereunder learned S.D.J.M, Hilsa, Nalanda refused to confirm the provisional bail granted to the petitioner by this court vide order dated 03.04.2015 passed in Cr. Misc. No. 34401 of 2014.

The opposite party no. 2 happens to be wife of petitioner and she filed complaint case No. 511C/2013 against the petitioner and others in which the prima facie case for the offences punishable under section 498A and other minor



sections of the IPC was found. The petitioner approached this court under section 438 of the Criminal Procedure Code for grant of pre-arrest bail by filing Cr. Misc. No. 34401 of 2014 which was disposed of by this court vide order dated 03.04.2015 directing the petitioner to surrender before the S.D.J.M. Hilsa, Nalanda and seek regular bail and furthermore, the learned trial court was directed to release the petitioner on provisional bail on the day of his surrender for a period of four months and take necessary steps to patch up the dispute of the parties by procuring the attendance of opposite party no. 2 and furthermore, this court directed the court below to pass order of confirmation of provisional bail of the petitioner, if the court below succeeds to patch up the dispute of the parties but in case of failure of reconciliation proceeding due to rigid approach of the petitioner this court forbade the trial court not to confirm the provisional bail granted to the petitioner.

It would appear from perusal of the Annexure-3 to the petition that in pursuant to the above stated order dated 03.04.2015, petitioner surrendered before the court below and was granted provisional bail.

However, on account of persuasion of the court below the parties gave an undertaking before the court below to live



together and accordingly, they went together from the concerned court but subsequently, the opposite party no. 2 filed a petition levelling several allegations against the petitioner. The learned trial court, having heard the parties, came to the conclusion that due to rigid approach of the petitioner, the dispute of the parties could not be patched up and accordingly, the learned trial court refused to confirm the provisional bail granted to the petitioner by this court passing impugned order dated 02.08.2017.

The record shows that before this court both parties prayed for reference of the dispute of the parties to Mediation center Patna High Court, Patna and in the light of the aforesaid prayer, this court vide order dated 12.09.2018 sent the dispute of the parties to Mediation Centre, Patna High Court, Patna, with direction to take appropriate steps for resolving the dispute of the parties. The Mediation Center, Patna High Court, Patna vide its letter dated 26.09.2018 informed that both the parties agreed before Mediation Center, Patna High Court, Patna to resolve their dispute amicably on the conditions as attached with letter dated 26.09.2018.

However, it was informed on behalf of opposite party no. 2 that even after entering into an agreement before the Mediation Center, Patna High Court, Patna, petitioner again



refused to keep the opposite party no. 2 and to fulfil his promise as mentioned in the agreement which was prepared by the Mediation Center, Patna High Court, Patna.

Learned counsel appearing for the petitioner submits that it was opposite party no. 2 who, herself, does not want to lead her conjugal life with the petitioner but in course of hearing, he expressed his inability to produce opposite party no. 2 in court. Therefore, it appears that it is petitioner who does not want to lead his conjugal life with opposite party no. 2 without any valid reason.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not find any merit in this quashing petition and accordingly, this petition stands dismissed.

(Hemant Kumar Srivastava, J)

s.hassan/abhijeet-

U		T	
---	--	---	--

