

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54155 of 2017

Arising Out of PS.Case No. -237 Year- 2015 Thana -BANKA District- BANKA

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Jony Mukul, Son of Manmohan Prasad Singh, Resident of Village-
Narayanpur, P.S.- Barahat, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Kumari, Wife of Jony Mukul, Resident of Village- Narayanpur,
P.S.- Barahat, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 24-01-2018

The petitioner has renewed the prayer for anticipatory bail in Banka (Barhat) P.S. Case No. 237 of 2015 registered for the offences punishable under Sections 498A, 341, 323 and 504/34 of the Indian Penal Code, pending in the Court of learned Sub-divisional Judicial Magistrate, Banka.

The basic accusation is of torture.

The stand of the petitioner in the earlier bail application was that he, being the husband of the informant, is ready to keep the informant with dignity and honour, hence notice was issued to the informant-O.P. No.2. However, in spite of valid service of notice, the informant chose not to appear and it was submitted by learned counsel for the petitioner that he has no instruction from the petitioner, hence, after several adjournments



anticipatory bail application of the petitioner was disposed of as not pressed vide order dated 17.03.2017 passed in Cr. Misc. No. 23746 of 2016.

Learned counsel for the petitioner submits that the petitioner met with a serious accident and has become 50% disabled, as a result, he was unable to give instruction to his counsel. However, petitioner is still ready to keep the informant as wife with full dignity and honour, moreover, informant still resides in the house of the petitioner.

Considering the fact that the earlier anticipatory bail application of the petitioner was disposed of as not pressed after adjourning the matter on several occasions, this Court is not inclined to interfere. However, keeping in view the fact that the petitioner is still ready to resolve the issue and the submission of the learned counsel for the petitioner that he has become disabled, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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