

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33137 of 2018

Arising Out of PS.Case No. -201 Year- 2016 Thana -RAJNAGAR District- MADHUBANI

=====

Archana Chaudhary Daughter of Ram Babu Chaudhary Resident of Village-
Lahan Bazar, Ward No. 7, P.S. Lahan, District- Sirha(Nepal).

.... Petitioner

Versus

1. The State of Bihar.
2. Suresh Prasad Son of late Baidyanath Prasad Resident of Village-
Rampatti, P.S. Rajnagar, District- Madhubani.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 12-09-2018 This application has been filed for cancellation of

conditional anticipatory bail granted to opposite party No.2 vide

order dated 7.4.2017 passed in Cr.Misc.No. 16336 of 2017 in the

following terms :

“Let petitioner surrender before the court below on 26th
April, 2017 and file a petition stating the said submission that he is
ready to keep opposite party No.2 with all care and dignity and
opposite party No.2 will also appear on that day and thereafter
after hearing the parties and being satisfied with development, the
court below will release the petitioner on provisional bail for a
period of six months on furnishing bail bond of Rs.25,000/-
(Rupees twenty five thousand) with two sureties of the like



amount each to its satisfaction and the court below will fix a date on every month with a direction to appear both the petitioner and opposite party No.2 and the court will observe their conduct and on its satisfaction the court below will confirm the bail bond of the petitioner, otherwise the court below will pass any order as it deem fit and proper.”

It has been submitted by learned counsel for the petitioner that opposite party No.2 has not taken her to his house and he intentionally has disobeyed the direction of this Court and for that she has prayed for cancellation of bail of opposite party No.2. Further submission is that learned court below has passed order that since bail has been granted by this Court it would be proper to move this Court for cancellation of bail.

Heard learned counsel for opposite party No.2. He has submitted that petitioner is not ready and interested to live with the opposite party No.2 because of the fact that whenever opposite party No.2 had gone to take her she refused to go with him and in support of his contention learned counsel for opposite party No.2 has drawn my attention towards order dated 12.1.2018 of the court below which clearly shows that opposite party No.2 has filed a petition for taking her but the girl (petitioner) was not ready to live with him.



Considering the aforesaid facts and circumstances, I am not inclined to interfere with the earlier order dated 7.4.2017 passed by this Court in Cr. Misc.No. 16336 of 2017.

However, if petitioner is ready to live with opposite party No.2, opposite party No.2 shall keep her with full dignity.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

spa/-

U			
---	--	--	--

