

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1715 of 2018

Arising Out of PS. Case No.-80 Year-2012 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Jay Narayan Sharma S/o Girish Sharma, R/o Vill.- Nagain, P.S.- Goh,
District- Aurangabad. Petitioner

Versus

1. The State of Bihar Through The Director General of Police, Bihar.
2. The District Magistrate, Aurangabad, Bihar.
3. The Superintendent of Police, Aurangabad.
4. The Officer In Charge, Goh P.S., District- Aurangabad.
5. Sangeeta Devi W/o Jay Narayan Sharma, R/o Vill.- Nagain, P.S.- Goh,
District- Aurangabad, Presently residing at D/o Sridhar Sharma, Vill.- Sahasa,
P.S.- Mehandia, District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Respondent/s : Mr. Kumar Vikram, AC to GA-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-10-2018

This application has been preferred for setting aside the order dated 18.06.2014 passed by learned S.D.J.M., Daudnagar (Aurangabad) in connection with Complaint Case No. 80 of 2012 (Tr. No. 1775 of 2013).

Learned counsel for the petitioner submits that by the impugned order the bail bond of the petitioner was cancelled without giving him any opportunity to appear in person.

Learned counsel for the State is present. It is submitted that the petition is totally misconceived inasmuch as by the impugned order the learned S.D.J.M. has cancelled the bail bond of the petitioner only when it was found that he was not putting his appearance for last several dates. It is further pointed out that as per direction of this Court in Cr. Misc. No. 50574 of 2012, the



provisional anticipatory bail of the petitioner was granted for a period of six months only. This Court had directed the learned court below to conduct an inquiry with regard to factum of second marriage and only if the learned court below would have come to a conclusion that the petitioner had not performed the second marriage then the provisional bail was required to be confirmed. It appears that when the inquiry was conducted and it was held on 10.06.2014 by learned S.D.J.M. that the factum of second marriage has been found to be correct, on the next date because the petitioner did not appear and thereby violated the terms of the bail bond, the learned S.D.J.M. directed for cancellation of the bail bond and issued a non-bailable warrant of arrest against him.

Considering the facts and circumstances of this case where it is evident that the petitioner has violated the terms and conditions of the bail and for last four years he has not put appearance before the learned S.D.J.M. and is absconding, this Court sitting in its extra ordinary writ jurisdiction is not inclined to entertain the present writ application.

This application has no merit, it is accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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