

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42792 of 2018

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Kumar Sonu @ Kumar Sanu, Son of Arvind Kumar, R/o Vill.-
Daud Chhapra (Dhanaiya), P.S.-Sahebganj, District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Adv.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 18-07-2018

A prayer has been made on behalf of the petitioner for modifying the order dated 08.12.2014, passed by a Bench of this Court in Cr. Misc. No. 36533 of 2014, in connection with Motihari (Town) P.S. Case No. 548 of 2013.

The petitioner was granted pre-arrest bail, subject to the conditions that he shall file a duly verified petition supported with personal affidavit before the court below, clearly stating his intention to resume the matrimonial relationship with the informant. The aforesaid undertaking had to be given within a period of four weeks. It was also directed by the aforesaid order that in the event of the parties filing a joint petition of compromise or there being a positive response on the application filed by the petitioner by



his wife in writing, duly verified with personal affidavit, accepting the same, the court below would consider granting/confirming the anticipatory bail.

Learned counsel for the petitioner has submitted that the settlement with the complainant/informant/wife could not be effected and, therefore, the petitioner could not furnish the aforesaid affidavit/undertaking before the court below within the stipulated period of time.

No modification of the aforesaid order is necessary as the condition precedent for approaching the court below for grant of anticipatory bail has not been fulfilled because of the failure of the parties to effect a settlement.

In that view of the matter, the petitioner would be required to surrender before the court below and seek bail.

As and when the petitioner surrenders and prays for bail before the court below, the same shall be considered on its own merits without being prejudiced of the fact that the conditions imposed on the petitioner for grant of anticipatory bail could not be fulfilled by him.

The application stands disposed of accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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