

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11437 of 2018

Arising Out of PS. Case No.-159 Year-2016 Thana- MAHILA P.S. District- Bhojpur

Punita Devi, W/o Rajesh Kumar Roy, R/o Vill. Balbandh, P.S. Charpokhari,
District – Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Roy @ Rajesh Roy, S/o Rajendra Roy, R/o Vill./Mohalla-
Samahairiya, P.S. Agnoar, District – Arwal at present R/o Pourkela, Ved
Vyash Chowk, Durga Mandap Gali, P.S. Brahmni Tarang, District –
Sundergarh, Odisha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Dubey
For the Opposite Party/s : Mr. Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. ORDER

5 29-08-2018 Heard learned counsel for petitioner and learned
A.P.P. for the State.

This application is filed for cancellation of bail
granted to the Opposite Party No. 2 vide Order dated
22.11.2017 passed in Cr. Misc. No. 38425 of 2017 in
connection with Bhojpur Mahila P.S. Case No. 159 of 2016
by this Court.

The petitioner has earlier moved before this Court
in Cr. Misc. No. 9778 of 2017, which was referred for
mediation, but due to non-appearance of the petitioner, the



dispute could not be resolved and on that ground, the prayer for bail of the petitioner was rejected vide order dated 11.07.2017. Thereafter, the petitioner again approached this Court for grant of anticipatory bail by filing the Cr. Misc. No. 38425 of 2017, which was also referred to the Mediation and Conciliation Centre, Bojpur at Ara, but the informant-wife did not appear in the mediation proceeding and considering this fact, as also the fact that the petitioner was ready to reconcile the matter, this Court vide order dated 22.11.2017 allowed anticipatory bail to the petitioner-husband.

Submission of learned counsel for the petitioner-wife is that in the mediation proceeding at Civil Court, Bhojpur at Ara, she was never served with any notice and that is why she could not appear before the Mediation Centre.

Both the parties are present in Court and husband is not ready to settle the dispute.

Considering the submissions made on behalf of the parties and the fact that Opposite Party no. 2 is taking a U-turn from his earlier stand to keep the petitioner/wife with dignity and is not ready to settle the dispute, which was the only consideration on which bail was granted, prayer of



the petitioner is allowed. Accordingly, the bail granted to
the Opposite Party no. 2 vide Cr. Misc. No. 38425 of 2017
dated 22.01.2017, is, hereby, cancelled.

(Arvind Srivastava, J)

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