

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.704 of 2018

Arising Out of PS. Case No.-262 Year-2010 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Ajay Kumar Son of Raghav Prasad Resident of Village - Ram Purwa, Police
Station - Malahi, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Geetanjali Devi wife of Ajay Kumar daughter of Bal Kanhaiya Prasad
resident of Mitrachauk, Ganj no. 2, Hospital Road, Bettiah Nagar, District
West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.. Prem Sheela Pandey
For the Respondent/s	:	Sri Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-07-2018 The petitioner seeks quashing of the order dated 08.05.2018 passed by the learned Sub-Divisional Judicial Magistrate, Bettiah in Sessions Trial No. 265 of 2017 whereby the bail bonds of the petitioner has been cancelled.

The petitioner was made an accused in connection with Complaint Case No. 262C of 2010 in which cognizance was taken under Sections 498A and 406 of the IPC and Section 3/4 of the Dowry Prohibition Act.

The petitioner was initially granted provisional bail but later his bail was cancelled by the High Court. In the meantime, the quashing application which had been



preferred by the petitioner, was admitted and further proceedings before the court below was stayed. The petitioner was directed to pay an amount of Rs. 750/- per month to opposite party no. 2 which the petitioner had been paying regularly. In the maintenance case preferred by the wife of the petitioner, the learned Family Court further directed the petitioner to Pay Rs. 1000/- per month to his wife (opposite party no. 2). This order is also regularly being complied with by the petitioner.

In the meantime, the quashing application in which the proceedings had been stayed, came up for final consideration before this Court. This Court vide order dated 18.04.2018, finding the allegation in the complaint petition to be directed towards the petitioner, dismissed the petition, but gave liberty to the petitioner to raise all the defence and objections before the trial court where the matter was pending.

Pursuant to the aforesaid order, the bail bonds of the petitioner has been cancelled.

The order passed by the learned Magistrate cannot be faulted with. Once a quashing petition is dismissed, all the interim orders/protection also stand vacated.

In that view of the matter, the only option for



the petitioner now is to surrender before the court below and seek regular bail.

As and when such a petition would be filed, the learned court below shall look into the same, specially that for all this while, the petitioner has remained on bail and that he has been paying Rs.1000/- and Rs. 750/- per month to opposite party no. 2 as directed by the learned Family Court as well as the High Court and shall pass an order in accordance with law, preferably on the same day.

With the aforesaid observation/direction, the present petition is disposed of.

(Ashutosh Kumar, J)

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