

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70085 of 2018

Arising Out of PS. Case No.-477 Year-2007 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

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Raju Ram @ Raju, Son of Late Panchu Ram, Resident of Village-
Mubarakpur. P.S.- Danapur. District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shambhu Nath, Son of Dukhi Ram, Resident of Mohalla-Mugal Chak, Nai Basti, Ward No.2 P.O. & P.S. Ali Nagar District-Ghandauli. (U.P.).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the petitioners and State.

The petitioner, being the husband of the complainant has renewed his prayer for anticipatory bail in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC.

It appears that petitioner earlier filed an application for grant of anticipatory bail, being Cr. Misc. No. 21860 of 2014, wherein, vide order dated 14.08.2014, a co-ordinate Bench of



this Court (now retired) granted him privilege of anticipatory bail with certain conditions. Relevant portion of the order reads as follows:-

“The petitioner intend to resume and continue the matrimonial relationship with the informant, who is one and only wife and in order to compensate at least monetary loss caused to the informant he is ready to pay a lump sum amount of Rs. 50,000.- (fifty thousand) and further undertakes to pay a sum of Rs. 2,500/- (two thousand five hundred only) per month to the informant by way of interim maintenance, subject to any order on the point by the competent court. Considering the facts and circumstances of the case, in the event of filing duly verified petition supported with personal affidavit before the court below clearly stating all such statement as stated above and making payment of Rs. 50,000/- (fifty thousand) and also begin with the payment, in the event of his arrest or surrender before the court below within four weeks. Let the petitioner be above named enlarged on bail on furnishing on bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Kaimur, Bhabhua in connection with Complaint Case No. 477 of 2007 subject to condition laid down under Section 438(2) of the Code of Criminal Procedure with additional condition to remain physically present before the court below on each and every date and in case at least for two years or till disposal of the case, whichever is earlier and in case of failure on two consecutive dates without giving any reasonable explanation or even on single default in payment or on any violation of the



undertaking the liberty granted shall be deemed to be cancelled.

It is further made clear, in the event of the parties files joint petitions of compromise or there is positive response on the petition filed by the petitioner by his wife i.e. informant/complainant the court below shall permit the couple so reside all their place of choice on the condition to report personally to the court below on the dates fixed for the purpose and only after being satisfied of their conduct for a reasonable period, the court below shall pass appropriate order in accordance with law.”

But in pursuance to the said order, the petitioner did not execute the bail bonds and now when the prosecution with regard to other accused persons has been quashed but application of the petitioner in that regard has been rejected, the petitioner has renewed his prayer for anticipatory bail.

Since earlier the petitioner was granted anticipatory bail by a Bench of this Court, but the petitioner did not execute the bail bonds, hence the present application is not maintainable.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

Let the learned Court below consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks keeping in view that earlier the petitioner was granted anticipatory bail.



Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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