

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2801 of 2019

Arising Out of PS. Case No.-2179 Year-2011 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Raj Kumar Sah, son of Late Ram Darshan Sah, resident of Vill -Roop Chakiya, P.S-Narhichandi, Distt.-Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Suman Devi, w/o Raj Kumar Sah, Daughter of Hari Nandan Sah, r/o Vill-Rippchakiya, P.S-Chandi, Distt.-Bhojpur, present address Vill – Asani, P.S-Udwant Nagar, Distt.-Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Shankar Upadhyay, Advocate
For O.P. No.2	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate
		Mr. Mrigendra Pratap Singh, Advocate
For the Opposite Party/s :		Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 01-04-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 498(A) of the Indian Penal Code.

It has been submitted on behalf of the petitioner that earlier he was granted anticipatory bail by a co-ordinate Bench of this Court vide Annexure 1. It has further been submitted that after release on bail, the petitioner took several steps to bring his wife but she did not turn up to restore her conjugal life with the petitioner. Thereafter, bail bond of the petitioner was cancelled on 10.01.2018 by the court below only on the ground that the petitioner has misused the privilege of



anticipatory bail granted by this Court as the bail was granted with a condition that if similar complaint is filed by o.p. no.2 (wife of the petitioner) in future, his bail bond will be liable to be cancelled by the court below itself. It has further been submitted that petitioner voluntarily surrendered on 12.10.2018 and since then he is in custody.

Learned counsel for the complainant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.2179 (c) / 2011, T.r. No.3603 of 2011, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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