

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.281 of 2019

Arising Out of PS. Case No.-156 Year-2015 Thana- PIRPAINTI District- Bhagalpur

Shambhu Paswan @ Ranjeet, Son of Mohan Paswan, Resident of Village-
Sahabad, P.S.- Pirpanti, District – Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santhoshi Kumari Wife of Shambhu Paswan, Daughter of Rampravesh
Paswan Resident of Village-Akbarpur, P.S.-Kahalgaon

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Respondent/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-04-2019 The present application has been filed for setting
aside the order dated 28.11.2018 passed in G.R. Case No. 1890
of 2015, arising out of Pirpanti P.S. Case No. 156 of 2015,
whereby the learned Sub-divisional Judicial Magistrate,
Bhagalpur has cancelled the bail bonds of the petitioner.

The factual matrix of the case is that the petitioner,
being the husband of the informant, was granted provisional
anticipatory bail for one year in a case registered for the
offences punishable under Sections 498A, 341, 323, 379, 506/34
of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act vide order dated 27.08.2015 passed in Cr.
Misc.No. 37223 of 2015. The provisional anticipatory bail was



granted to the petitioner on the submission on behalf of the petitioner that the petitioner will take the informant to her matrimonial house at native village on 5th of October, 2015 and after four months, the petitioner will take the informant to his place of employment since he is a Constable in Jharkhand Police. The provisional anticipatory bail was to be confirmed within one year by the learned Court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned Court below.

Subsequently, the petitioner preferred Cr. Misc. No. 34710 of 2018 for modification of order dated 27.08.2015 passed in Cr. Misc. No. 37223 of 2015 to the extent of confirming the provisional anticipatory bail. However, it was brought to the notice of this Court that the bail bond of the petitioner had been cancelled vide order dated 12.09.2017.

In the circumstances, this Court vide order dated 20.06.2018 passed in Cr. Misc. No. 34710 of 2018 declined to interfere since the period of provisional anticipatory bail got lapsed on 26.08.2016, whereas the modification application was registered on 14.06.2018 and the bail bond of the petitioner has



already been cancelled. Hence, the petitioner was directed to surrender before the learned Court below within a period of six weeks and it was observed that the learned Court below is expected to consider the prayer for regular bail of the petitioner in view of the fact that the petitioner is a government servant and he is ready keep the informant as wife with dignity and in view of the submission on behalf of the petitioner that the informant has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner was granted regular bail by the learned Court below vide order dated 16.07.2018 and thereafter, charges were framed. Thereafter, opposite party no. 2 filed an application on 18.08.2018 for cancellation of bail of the petitioner and accordingly, vide the impugned order dated 28.11.2018 the bail bond of the petitioner has been cancelled and thereafter, the petitioner has preferred the present application for setting aside the order of cancellation of bail bond of the petitioner.

Since this Court earlier declined to modify the order of grant of provisional anticipatory bail on the ground of delay and cancellation of bail bond, this Court is not inclined to interfere, but keeping in view of the fact that the petitioner is a Constable in Jharkhand Police and it is submitted that he is on



duty in ensuing parliamentary election, the present application is disposed of with a direction to learned S.D.J.M., Bhagalpur to consider the prayer for bail of the petitioner sympathetically, if he surrenders within a period of eight weeks, keeping in view the fact that he is still ready to keep the informant as wife with dignity and honour.

In the meantime, in the interest of justice, let no coercive steps be taken against the petitioner till 15th of June, 2019 in connection with Pirpainti P.S. Case No. 156 of 2015, pending in the Court of learned Sub-divisional Judicial Magistrate, Bhagalpur.

(Dinesh Kumar Singh, J)

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