

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20411 of 2019

Arising Out of PS. Case No.-1305 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Nandan Kumar Son of Surendra Prasad Singh Parmar, Resident of Village-
Kubauli, P.S.- Paroo, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suchitra Kumari wife of nandan Kumar, Daughter of Shiv Chandra Singh,
R/o village Balra Kishun, Post Balra Ismail, Post Maniyari District
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Kumar Sharma
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-05-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 1305 of 2015, disclosing

offences under Sections 498(A) of the Indian Penal Code.

Case is under Section 498(A) of the I.P.C. and earlier
petitioner had granted provisional bail by a Coordinate Bench of
this Court vide order dated 24.04.2017 passed in Cr. Misc. No.
16162 of 2017 with following direction:-

“Considering the facts aforesaid, the
petitioner above named is directed to surrender in
the court below within eight weeks from the date of
receipt/production of a copy of this order and the
court below shall enlarge the petitioner on
provisional bail for six months on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, (West) Muzaffarpur in Tr. No. 4068 of 2016, arising out of Complaint Case No. 1305 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and the court below shall make efforts for reconciliation between the husband and the wife. If the dispute is resolved, the provisional bail granted to the petitioner shall be confirmed and if the dispute is not resolved the court below shall pass order in accordance with law immediately after expiry of six months on the provisional bail of the petitioner.”

It appears that the reconciliation failed and again petitioner has filed an application for anticipatory bail, however, I failed to understand that when the petitioner was earlier granted provisional bail and thereafter provisional bail bond has been cancelled, how this application is maintainable for anticipatory bail.

Heard both sides.

There is allegation and counter allegation between the parties as petitioner has submitted that the opposite party no.2 is not ready to reside with him, but the opposite party no.2 has submitted that the petitioner is not ready to keep her.

In such view of the matter, let the petitioner surrender



before the court below along with opposite party no.2 on 28.05.2019 and it is expected that opposite party no.2 if so desirous is also cooperate in the matter and on appearance of the petitioner, he make prayer for regular bail, which shall be considered by the court below and the court below shall talk with both petitioner and opposite party no.2 and if they are ready to reside with each other, the learned court below shall consider that aspect of the matter and pass an appropriate order, if possible, on the same day.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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