

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40863 of 2019

Arising Out of PS. Case No.-2914 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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Pawan Chaubey, aged about 35 years, Gender-Male, Son of Dinesh Dutt Chaubey, Resident of Village - Baijnathpur, P.S. - Bheldi, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rina Devi, Wife of Pawan Chaubey, D/O-Late Rajendra Tripathi, Resident of Village - Baijnathpur, P.S. - Bheldi, District - Saran at Chapra. At present residing at Village - Karah, P.O. - Harpur Karah, P.S. - Baniyapur, District- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2019 The petitioner, who is the husband of the complainant/opposite party No. 2, was granted provisional bail by the Court below for six months *vide* order dated 14.08.2018. After six months, the prayer for bail of other accused persons was extended, but the provisional bail of the petitioner was not extended. The only reason assigned



in the order dated 21.02.2019, not extending the provisional bail of the petitioner is that there was no application on record on behalf of the petitioner for such extension.

2. The learned counsel for the petitioner submits that the petitioner had gone to Delhi for earning his livelihood and there he fell ill. It has further been submitted that a leave petition was also filed by the petitioner which was on record, but the same was not taken into consideration by the Court below. There is no complaint also from the complainant/opposite party No. 2 with regard to any ill-treatment or harassment after the lodging of the case.

3. The Court below ought to have taken a reasonable view of the matter and should not have refused to extend the provisional bail of the petitioner, referred to above. All that the Court below was required to do, was to either dispose off the leave petition or sent notice to the petitioner before passing an order refusing to extend the provisional bail.

4. For the aforesaid reason, the impugned order dated 21.02.2019 is set-aside.



5. The Court below is directed to pass a fresh order on an application for extension which shall be filed by the petitioner within a period of four weeks from today.

6. All subsequent orders including the issuance of non-bailable warrant of arrest also stand quashed.

7. With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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