

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4172 of 2018

In
Criminal Writ Jurisdiction Case No.2405 of 2017

Arising Out of PS. Case No.-25 Year-2013 Thana- MAHILA P.S. District- Lakhisarai

Ajit Kumar @ Ajit Ranjan

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Law Secretary cum L. R., Law Department, Government Of Bihar, Patna
2. The District Magistrate, Lakhisarai
3. Bina Kumari, wife of Ajeet Kumar @ Ajeet Ranjan, daughter of Yogendra Singh, resident of Village-Hasanpur, P.S.-Piparia, District-Lakhisarai. At present, residing at Village-Sahjadpur, P.S.-Barahiya, District-Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pritish Kumar Lal
For the Opposite Party/s :	Mr.Sunil Kumar Mandal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 23-01-2019 The petitioner, who is the husband of O.P. No. 3 had approached this Court for the needful when provisional anticipatory bail granted to him by the Court below was vacated in the event of no rapprochement between the spouses having taken place.

This Court, while hearing the matter was of the view that a fresh round of deliberation/negotiation is required for the purposes of settlement. The aforesaid view was concretized by the unanimous opinion of the learned counsel appearing for the parties.



The matter was, therefore sent to the Patna High Court Mediation & Conciliation Centre for the needful but despite the efforts of the Mediator, the issue could not be resolved.

From the submissions advanced on behalf of the parties, this Court gets an impression that the petitioner is ready for a settlement but only for the purposes of parting ways amicably. On the other hand, the O.P. No. 3 is only desirous of the matrimonial relationship being restored and resumed.

It was expected of both the spouses to take a stride back from their slated position. Since it did not happen, the efforts of medication ended in smoke.

However, consider the circumstances of the case, the nature of accusation levelled in the F.I.R and taking into account that petitioner and O.P. No. 3 have now been separated for seven years, this Court does not deem it appropriate to cancel the anticipatory bail granted to the petitioner.

This concession can be given to the petitioner only



with the caveat that the petitioner shall participate in the Trial diligently and if it is found that he is deliberately delaying the process of conclusion of the trial, it would be open for the O.P. No. 3 or the Trial Court or the prosecuting agency to approach this Court for cancellation of anticipatory bail of the petitioner.

Taking into account the aforesaid circumstances and facts, the order dated 10.10.2017 passed by the learned Sub-Divisional Judicial Magistrate, Lakhisarai in G.R. No. 719 of 2013, arising out of Mahila P.S. Case No. 25 of 2013, vacating the interim protection granted to the petitioner is set aside.

The petitioner is permitted to remain on anticipatory bail but would be required to furnish fresh bonds in the sum of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount within a period of four weeks from today each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Lakhisarai/concerned Court in connection with G.R. No. 719 of 2013, arising out of Mahila P.S. Case No. 25 of 2013.



It is again reiterated that in case of the petitioner making any move to delay the conclusion of the trial, necessary application shall be filed by the prosecuting agency or O.P. No. 3 for cancellation of his anticipatory bail.

This Court also puts a condition that for unauthorized and unexplained absence of the petitioner from the trial proceedings on three consecutive dates would also entitle the Trial Court to cancel the anticipatory bail of the petitioner.

The petition is disposed off in terms of the above.

(Ashutosh Kumar, J)

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