

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15046 of 2018**

Arising Out of PS. Case No.-33 Year-2016 Thana- MAHILA PS District- Jamui

=====

Ritu Kumari Daughter of Anup Kumar Singh@ Anup Ram Resident of  
Village- Pachamahua, Police Station- Sikandra, District-Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Parshuram Ram Son of late Arjun Ram Resident of Village- Kiul Basti, Ward  
No. 22, Police Station- Lakhisarai, District- Lakhisarai.

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Sri Shailendra Kumar -2

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

9      13-02-2019                      Heard learned counsel for the petitioner. None turned  
up on behalf of O.P. No. 2 despite service of notice.

The petitioner has filed the aforesaid petition for  
cancellation of bail granted to O.P. No. 2 (husband) vide order  
dated 03.01.2018 with the case that earlier O.P. No. 2 was  
granted provisional bail by this Court vide order dated  
15.06.2017 in Cri. Misc. No. 26622 of 2017 on the undertaking  
given by O.P. No. 2 that he will keep his wife at his house and  
maintain her with full honour and dignity, which was confirmed  
vide order dated 03.01.2018. O.P. No. 2 had taken the petitioner  
from the Court on 15.06.2017 to her maternal house, where he  
stayed in the night, but in the wee hour he left her house



clandestinely leaving the petitioner there and he is not interested to keep the petitioner with him. Thus, he has misused the privilege of bail.

From perusal of the record, it appears that O.P. No. 2 was granted provisional bail by this Court vide order dated 15.06.2017 in the aforesaid case on his undertaking to keep the petitioner with him with full honour and dignity and the said provisional bail was confirmed on 03.01.2018 on the basis of report of learned court below that the O.P. No. 2 is ready to keep the petitioner with him at his house, but it is the petitioner (wife), who is not ready for the same rather she is insisting to O.P. No. 2 to live with her in her maternal house and due to the aforesaid reason, the reconciliation between the parties stood failed.

Subsequently, on filing aforesaid Cri. Misc. No. 15046 of 2018 for cancellation of bail of O.P. No. 2, the matter was again sent to the lower court vide order dated 03.10.2018 and the learned lower court was directed to call for the petitioner and O.P. No. 2 and to ensure the reconciliation between the parties and report this Court, and in failure of reconciliation also report as to who is responsible for the aforesaid failure within two months.



Learned lower court sent the matter to the Mediation Centre but due to none appearance of O.P. No. 2 before the aforesaid Centre despite service of notice, reconciliation could not be materialized and the matter was again sent back to the learned lower court by the Mediation Centre as evident from the report of the Mediation Centre sent to this Court vide letter no. 3 dated 19.01.2019 of learned lower court.

In the aforesaid facts and circumstances, it appears that O.P. No. 2 has adopted obstinate and stubborn attitude and is even not honoring the undertaking given by him and intentionally and deliberately circumvented the order of this Court, so he does not deserve to enjoy the privilege of bail granted by this Court. Hence, bail granted to the O.P. No. 2 vide order dated 15.06.2017/ 03.01.2018 is hereby cancelled. Petitioner is directed to surrender before the learned lower court forthwith.

Accordingly, this petition stands disposed off.

**(Prakash Chandra Jaiswal, J)**

sushma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

