

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6008 of 2015**

Arising Out of PS. Case No.-806 Year-2012 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

Arvind Yadav @ Vikas Yadav, Son of Ram Lagan Yadav, Resident of Village -
Belhari, Police Station - Belaganj in the district of Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Budhiya Devi, Wife of Arvind Yadav @ Vikas Yadav, Resident of Village -
Belhari, Police Station - Belaganj in the district of Gaya. At present daughter
of Sri Balkeshwar Yadav, resident of village - Kapharpur, Police Station -
Makhdumpur in the district of Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the O.P. No. 2	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Aditya Narayan Singh-I, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 18-07-2019

Heard learned counsel for the parties.

2. The petitioner was allowed provisional anticipatory
bail by the learned Sessions Judge, Jehanabad in A.B.P. No. 485 of
2014 on 10.09.2014 in connection with Complaint Case No. 806
of 2012 wherein cognizance was taken for offence under Section
498A of the Indian Penal Code.

3. The learned Sessions Judge passed the following
concluding orders “Considering the facts and submissions stated
above and keeping in view that compromise took place in between
both the couple, the petitioner Arvind Kumar @ Vikas Yadav in
the event of arrest or surrender within a period of four weeks is



directed to be released on provisional bail for two months on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the court below, subject to the condition that both the complainant and the petitioner shall inform to the court below for their peaceful life and on considering the peaceful life of the couple, the court below will be at liberty to confirm the provisional bail of the petitioner and in default of the aforesaid condition, the bail bond of the petitioner is liable to be cancelled by the court below itself. The conditions of Section 438(2) of the Cr.P.C. was also imposed.”

4. Thereafter the learned Sub-Divisional Judicial Magistrate, Jehanabad by order dated 13.11.2014 did not confirm the provisional bail stating therein that matrimonial life could not be restored due to non-cooperation of the petitioner and cited the order of the learned Sessions Judge whereby provisional bail was conditionally granted.

5. The petitioner has challenged the order of the learned Sub-Divisional Judicial Magistrate, Jehanabad dated 13.11.2014 in this application under Section 482 Cr.P.C. on the ground that in fact wife and her relations were not cooperative in restoration of conjugal life and the petitioner was never at fault.



6. The law is well settled that a Court which has power to grant bail has also got power to cancel the same. Furthermore, it has still power to grant bail if the changed circumstance so required. Therefore, the impugned order cannot be faulted as abuse of the process of the court nor interference would be required to secure the ends of justice. Judicial remedy is there to the petitioner. Hence, this Court is not inclined to exercise power under Section 482 Cr.P.C.

7. Accordingly, this application stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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