

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.6534 of 2020**

**In  
CRIMINAL MISCELLANEOUS No.38855 of 2019**

Arising Out of PS. Case No.-2071 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

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Shashi Ranjan Sinha @ Shashi Sinha, Son of Sri Narendra Kumar Sinha, A  
Resident of Dundu Bazar, P.O.- Begumpur, P.S.- Chowk, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Chanda Sinha, Daughter of Sushil Kumar Prasad, Resident of Govind Mitra  
Road, Sharda Prasad Gosh Lane, P.S.- Pirbahore, District- Patna.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar, Advocate  
For the Opposite Party/s : Mr.Veena Rani Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      12-10-2020                      Heard learned counsel for the petitioner.

This application has been filed seeking modification of the  
order dated 20.09.2019 passed in Cr. Misc. No. 38855 of 2019 by  
which the petitioner was directed to surrender in the court below  
within a period of four weeks. The order dated 20.09.2019 reads as  
under:

“Since the parties have expressed their desire to  
amicably resolve the issue and now the petitioner  
is ready to visit the house of the  
informant/complainant-opposite party no. 2 to  
take her back to his matrimonial home and the  
opposite party no. 2 is also willing to live with  
the petitioner with full dignity and care, with the  
consent of the parties the present application is



being disposed off granting privilege of anticipatory bail to the petitioner on the petitioner's surrendering before the court below within a period of four weeks from today and on submitting bail bond of Rs.15,000/-with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Complaint Case No. 2071(C) of 2018. This should, however, be subject to the provisions contained under Section 438(2) of the Cr.P.C. and an additional condition in terms of the undertaking of the petitioner given before this Court that he would visit the house of opposite party no. 2 on 5<sup>th</sup> October, 2019 and shall take his wife (opposite party no. 2) back to her matrimonial home where the petitioner is presently working as sales officer.

In case, the petitioner commits breach of this condition it will be open for opposite party no. 2 to move this Court for cancellation of bail.

Application stands disposed off accordingly.”

It appears that this application has been filed on 28.01.2020. In the petition there is a statement that due to illness the petitioner could not appear in the court below for submission of bail bond but there is no statement at all as to why he did not abide by his undertaking furnished in this Court whereunder he had undertaken to visit the house of opposite party no. 2 on 5<sup>th</sup> October, 2019 to take her back to her matrimonial home. He should have remembered that the order was passed after both the parties had expressed their desire to live together and with the consent of the parties the application was disposed of.



Even in support of his illness the petitioner has failed to produce any cogent material. In fact his statement is that he was suffering from jaundice and recovered in the month of November, 2019, there is no report showing his bilirubin test which could have given some prima-facie material to demonstrate that the petitioner was suffering from jaundice. Even after November, 2019 he has not made any effort to comply with the undertaking given before this Court.

The conduct of the petitioner is such that this Court has a reason to belief that he is not law abiding and the statement made before this Court on 20.09.2019 in course of hearing of Cr. Misc. No. 38855 of 2019 was made with sole intention to obtain bail but not to abide by the promise made before this Court.

This application has, thus, no merit, this application is dismissed.

Let the court below proceed in accordance with law.

**(Rajeev Ranjan Prasad, J)**

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

