

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76946 of 2019

Arising Out of PS. Case No.-432 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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INDU KUMARI Wife of Sonu Sah @ Sonu Kumar and Daughter of Ram Prasad Sah Resident of Village-Rampur Karkhana Ward No.3, house no.149, Post office-Rampur, District-Deoria (U.P) and presently residing at Village-Pirganj, Police Station-Patori, District-Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sonu Sah @ Sonu Kumar Son of Krishna Sah @ Tiktik Sah Resident of Village-Rampur Karkhana Ward No.3, house no.149, Post Office-Rampur, Police Station-Rampur, District-Deoria (U.P)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushotam Sharma
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-02-2020 In this case earlier by order dated 12.4.2019 passed in

Cr.Misc.No. 75599 of 2018 prayer for anticipatory bail of opposite

party No.2 was allowed with following observation:

“Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender before the learned court below within a period of six weeks from the date of order and file a petition on oath to keep her with dignity and care and further he is ready to take her from the court itself by filing such application, he will be released on provisional bail in connection with Complaint Case No. 432 of 2017, T.R. No. 2790 of 2018 for a period of one year and during that period, both the parties shall appear before the learned court below on the first week of each month and the learned court below will watch the conduct and their marital relationship and only being satisfied with the conduct of both the parties, specially the petitioner, the bail bond of the petitioner shall be confirmed, otherwise he is free to pass any other order or orders



including the cancellation of the bail bond of the petitioner.”

Submission of learned counsel for the petitioner is that she was taken by the opposite party No.2 but again she was subjected to assault and cruelty and she has also filed a petition before the court below but learned court below has not passed any order on the petition.

This Court failed to understand when there was specific direction of this Court by order dated 12.4.2019 that learned court below shall consider the conduct of both the parties while confirming bail bond of the petitioner, otherwise he is free to pass any other order(s), including cancellation of bail bond of the petitioner, as to why appropriate order has not been passed by the court below on the prayer of the petitioner.

Accordingly, this application is disposed of with above observation.

Let a copy of this order be communicated the learned court below forthwith.

(Vinod Kumar Sinha, J)

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