

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87466 of 2019

Arising Out of PS. Case No.-1385 Year-2017 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

NAJO PARVEEN @ SHAHNAZ BANO Wife of Md. Akbar Ansari @ Akbar Ansari, D/o Md. Sarfuddin Main Resident of Village - Muradpur, P.S.- Narayanpur, Distt - Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Md. Akabar Ansari @ Akabar Ansari Son of Aslam Ansari Resident of Village - Chatarpura, P.S.- Chauri, Distt - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-02-2020 This is an application for cancellation of confirmation of provisional bail of opposite party no. 2 vide order dated 20.11.2019 passed by the learned Sub Divisional Judicial Magistrate, Bhojpur in Complaint Case No. 1385 (C) of 2017 (Tr. No. 4380 of 2018) in compliance of the direction of this Court vide order dated 17.05.2019 passed in Cr. Misc. No. 17204 of 2019.

It appears that earlier, opposite party no. 2 has moved this Court for grant of anticipatory bail by filing Cr. Misc. No. 17204 of 2019, which was disposed of by this Court vide order dated 17.05.2019 with following direction:-

“Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with a direction to the petitioner to



surrender before the court below on 03.06.2019 and on that date, the opposite party no. 2 shall also remain present in the court below and on filing an application by the petitioner that he is still ready to keep the opposite party no. 2 with full dignity and care and also ready to take her from the court below itself and another petition filed by opposite party no. 2 that she is ready to reside with the petitioner where petitioner resides and after considering the same, the court below shall release the petitioner on provisional bail for a period of six months to his own satisfaction and during that period, the learned court below shall watch the marital relationship of the parties and also conduct of both the parties by calling them in the first week of each month and once the learned court below is satisfied with the conduct of both the parties, specially the conduct of the petitioner, he shall confirm the provisional bail of the petitioner, otherwise, he is free to pass any other order or orders as he deems fit and proper”.

In pursuance of the direction of this Court, opposite party no. 2, appeared before the learned Sub Divisional Judicial Magistrate, Bhojpur and on condition that he is ready to take the petitioner with himself, he was granted the privilege of provisional bail for a period of six months. It further appears that an application has been filed by opposite party no. 2 on 20.11.2019 for confirming of provisional bail, whereas, another application has been filed by the petitioner for cancellation of his bail bonds on the ground that his conduct is not



good. Learned Sub Divisional Judicial Magistrate, Bhojpur considering the same and also considering the fact that informant – petitioner on earlier two occasions in spite of the query by the Court, refused to live with opposite party no. 2, as such, he confirmed bail bond of opposite party no. 2.

The ground taken by the petitioner for cancellation of bail bond of opposite party no. 2 is that in pursuance of direction of this Court, opposite party no. 2 has taken the petitioner with himself but soon, thereafter, he again started harassing and humiliating the petitioner and as such, she filed an application for cancellation of bail bonds of opposite party no. 2.

Heard learned A.P.P. and perused the order dated 20.11.2019, which clearly shows that it is the informant, who in spite of query by the learned Sub Divisional Judicial Magistrate, Bhojpur, was not ready to reside with opposite party no. 2 and further there is no allegation of misused of privilege of bail or of tampering with the evidence.

In view of the above discussions, I do not find any illegality or impropriety in the order dated 20.11.2019 passed by the learned Sub Divisional Judicial Magistrate, Bhojpur.

This application stands dismissed.

(Vinod Kumar Sinha, J)

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