

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81644 of 2019**

Arising Out of PS. Case No.-119 Year-2019 Thana- THawe District- Gopalganj

SANJIV CHAUBEY @ SANJIV Son of Narad Chaubey Resident of Village -
Pyarepur, P.S.- Thawe, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr. Jharkhandi Upadhaya, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

14 08-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, Thawe
Police Station Case No. 119 of 2019 (G.R. No.2276/2019),
disclosing offences under Sections 341, 323, 498A and 34 of the
Indian Penal Code read with Section 3/4 of the Prohibition of
Dowry Act.

On 19.07.2020, the following order was passed by
this Court :-

**“.....Learned counsel appearing for the petitioner
submits that on the joint prayer of learned counsel for
the petitioner and O.P. No.2, the matter was adjourned
for referring the matter to the Patna High Court
Mediation and Conciliation Centre, Patna for mediation
and settlement of dispute in between the petitioner and
the O.P. No,2, who are husband and wife, respectively.
But due to non-functioning of High Court, in physical
mode, the matter could not be referred and, at present
also, there is no chance of functioning of the High Court,
the matter may be adjourned for two months, so that the
matter may be referred before Mediation and
Conciliation Centre, Patna High Court, Patna.”**

Thereafter, the matter was adjourned on a number of dates on the submission of both the parties and the matter shall be referred to Mediation but the matter could not be mediated because of the Covid-19 situation. On 22.10.2021, the following order was passed :-

“.....Learned counsel for the petitioner prays and is granted time till 2nd of November, 2021 to file supplementary affidavit regarding current status of the petitioner – whether he is employed or still unemployed and he shall also give statement therein as to whether he is paying maintenance of Rs.4000/- (Rupees four thousand) per month to the informant, as directed by the learned Court below.....”

Pursuant to the order dated 22.10.2021, no affidavit has been filed by the petitioner.

The learned counsel for the petitioner also says that he is helpless for filing supplementary affidavit as he is unable to contact his client.

It seems that the petitioner has disappeared after getting interim protection by this Court and, therefore, the learned counsel for the petitioner prays that the case may be heard on merit and decided.

On 19.06.2020, the petitioner was granted interim protection and once the interim protection was granted, this petitioner misused the privilege of protection.

Considering the serious allegation levelled against the petitioner and the conduct of the petitioner, the interim protection granted earlier to the petitioner is withdrawn and the application for anticipatory bail is dismissed and the petitioner is directed to surrender before the Court below within a week and pray for regular bail.

If the petitioner does not surrender within a week then the S.P., Gopalganj shall take all coercive steps for arresting the petitioner after expiry of seven days and filed a report to this Court.

With the aforesaid direction and observation, this application is dismissed.

Registry is directed to communicate this order to the S.P., Gopalganj through Fax and E-mail.

Mr. Jharkhandi Upadhaya, learned APP is also directed to communicate this order to S.P., Gopalganj on his phone and wts. up.

(Sandeep Kumar, J)

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