

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14353 of 2022

In
CRIMINAL MISCELLANEOUS No.35030 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- BANSHI District- Jehanabad

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RATNESH KUMAR S/O SRI SHIV BHAWAN SINGH R/o village- Battan
Bigha, P.O.- Mali, P.S.- Banshi, District- Arwal

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rani Kumari D/o Sri Raja Ram Singh R/o village- Haibaspur, P.O.- Dhamni,
P.S.- Haspura, District- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned counsel for opposite party no. 2.

This application has been filed for modification of the

order dated 18.03.2021 passed in Criminal Miscellaneous

No.35030 of 2020.

The learned counsel for the petitioner has submitted

that the petitioner was granted provisional bail by this Court

vide order dated 18.03.2021 in Criminal Miscellaneous



No. 35030 of 2020 for six months and it was observed by this Court that if the dispute is resolved amicably and the petitioner keeps his wife properly, the provisional bail granted to the petitioner shall be confirmed and if the dispute is not resolved between the husband and the wife, the court below shall pass order in accordance with law. He has submitted further that without giving an opportunity of being heard, the learned court below has cancelled his bail bond.

The order sheets of the learned court below have been annexed with the record. From perusal of the order sheets, it appears that on 20.09.2020, a petition has been filed by opposite party no. 2 in the court below that the petitioner is not keeping her and, as such, he has flouted the direction made by this Court. Order sheet dated 26.10.2021 shows that the bail bond of the petitioner was cancelled. From perusal of the order sheet of the court below it transpires that before cancelling the bail bond, the petitioner was not heard.

The learned court below is directed to provide proper opportunity to both the parties of being heard and thereafter pass appropriate order within a period of three months. Till passing the order by the court below, no coercive steps shall be taken against the petitioner.



With these observations/directions, this criminal miscellaneous application is being disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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