

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51790 of 2022

Arising Out of Complaint Case No.-802 Year-2018 Thana- ROHTAS District- Rohtas

Kumari Ekta Singh W/o Sumit Kumar, D/o Surendra Kumar Singh Resident of C/o Sunil Kumar Patel, Kali Asthan, Mohalla- Khilanganj Sasaram, P.S.- Sasaram, District- Rohtas (Bihar)

... .. Petitioner

Versus

1. The State of Bihar
2. Dr. Vijay Kumar S/o Late Raj Kishore Prasad Singh Resident of HIG-32, Sardar Patel Nagar, Housing Colony, Dhanbad, P.O. and P.S.- Dhanbad, District- Dhanbad (Jharkhand)

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Adv.
For the Opposite Party/s : Dr. Mrityunjay Kumar Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 30-09-2022 Heard Mr. Rajesh Kumar Singh, learned counsel for the petitioner and Dr. Mrityunjay Kumar Gautam, learned counsel for the State.

In the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing the order dated 18.06.2022 passed by the learned Sub-divisional Judicial Magistrate, Sasaram whereby he has granted provisional bail to the opposite party no. 2.

The petitioner is the complainant in a case in which cognizance has been taken for the offences punishable under Section 498-A of the Indian Penal Code. In the said case, the opposite party no. 2 was granted pre-arrest bail by this Court



vide order dated 20.06.2019 passed in Cr. Misc. No. 37418 of 2019. It was directed that in the event of arrest or surrender within four weeks, the petitioner shall be released on provisional bail in connection with the Complaint Case no. 802 of 2018 subject to furnishing of the bail bond and sureties to the satisfaction of the Court.

The opposite party no. 2 did not appear before the Court below pursuant to which vide Order dated 09.05.2022 non-bailable warrant was issued against him. Subsequently, the opposite party no. 2 filed an application on 18.06.2022 stating therein that since he was suffering from some heart ailment and was undergoing treatment, he could not appear before the Court. He has annexed medical certificates in support of the fact that he had to undergo surgical procedure for his heart ailment.

Being satisfied with the reasons given by the opposite party no. 2, the learned Sub-divisional Judicial Magistrate vide order dated 18.06.2022 granted provisional bail to the opposite party no. 2 till the final disposal of the Cr. Misc. No. 37418 of 2019, which is said to be pending before this Court.

Learned Sub-Divisional Judicial Magistrate has acted within jurisdiction. Being satisfied with the reasons given by the opposite party no. 2, the learned Sub-Divisional Magistrate was



inclined to grant provisional bail to the opposite party no. 2.

I see no illegality in the order passed by the learned Magistrate. Even the counsel for the petitioner could not point out any illegality in the order.

In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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