

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5407 of 2023

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA P.S. District- Munger

Nisha Devi S/o Amarjeet Kumar @ Amarjeet Ray Resident of- Dakra Satkhajuria, P.S.- Naya Ramnagar, Distt- Munger, At present residing at D/o Late Ramjee Mandal, Village- Dauda Bagicha, P.S.- Gogari, Distt- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarjeet Kumar @ Amrjeet Ray S/o Surendra Prasad R/o Village- Dakra (Satkhajuria), P.S.- Ramnagar, Distt- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 26-07-2023 Heard the learned counsel for the parties.

2. The wife / Nisha Devi, has preferred this petition for cancellation of bail of her husband / Amarjit Kumar @ Amarjit Kumar Ray, who was granted the privilege of provisional bail by this Court *vide* order dated 10.09.2021, passed in Criminal Miscellaneous No. 5040 of 2021.

3. On the asking of the opposite party no. 2 / husband, the matter was sent to the Court below for facilitating negotiations between the spouses. This Court



had directed that in case opposite party no. 2 surrendered before the Court below within a period of six weeks, he would be released on provisional bail and the Court below shall, after giving notice to the wife and securing her presence, would facilitate the talks of settlement between spouses. The Court below was further directed that in case the stand of the husband was found to be genuine, the provisional bail granted by this Court would be confirmed. If the husband displayed any prevarication or took a rigid stand, that also had to be taken into account before confirming the provisional bail. Equally necessary for the Court would be to assess the stand of the wife.

4. The learned counsel for the petitioner / wife submits today that he has no idea whether the provisional bail granted by this Court to O.P. No. 2 has been confirmed by the Court below or not. However, he submits that on the asking of the Court, which obviously was on the assurance of the husband that the wife would



be treated properly in her matrimonial home, the wife went to her matrimonial home but after few days only, she was shown the door.

5. This Court deems it appropriate to direct that in case such allegation is correct, the petitioner / wife would be entitled to file an application under Section 437 (5) Cr.P.C. before the Court below which shall be considered in proper perspective but not without putting the husband to notice.

6. The petition stands disposed of.

(Ashutosh Kumar, J)

Sunil/Mayank

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