

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26820 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- MAHILA P.S. District- Saran

MANOJ SAH @ MANOJ KUMAR SAH SON OF RAMAYAN SAH R/O
INAI, P.S.- RIVILGANJ, DIST.- SARAN AT CHAPRA, AT PRESENT
DEPUTY MANAGER, STATE BANK OF INDIA, DSS BRANCH,
SILIGURI, WEST BENGAL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PUJA KUMARI WIFE OF MANOJ SAH @ MANOJ KR. SAH, D/O
RAMJEET SAH R/O SHYAM CHOWK, P.O. AND P.S.- BHAGWAN
BAZAR, DIST.- SARAN AT CHAPRA, PIN CODE- 841301

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the O.P. No. 2	:	Mr. Yashraj Bardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 10 27-09-2023 1. Heard learned Senior counsel for the petitioner and
learned APP for the State along with learned counsel for the O.P.
No. 2.
2. The learned Senior counsel for the petitioner, Mr.
Rama Kant Sharma, submits that the present application has
been filed seeking quashing of the order dated 30.01.2021
passed by the learned Additional Sessions Judge-V, Saran at
Chapra in Sessions Trial No. 367 of 2020, CIS No. 367 of 2020
arising out of Chapra Mahila P.S. Case No. 03 of 2020 whereby
the provisional bail granted to the petitioner was cancelled.



3. The learned Senior counsel for the petitioner submits that petitioner and the O.P. No. 2 are husband and wife and on account of matrimonial dispute between the two, the O.P. No. 2 filed Chapra Mahila P.S. Case No. 03 of 2020 dated 07.01.2020 in which the petitioner was taken in custody thereafter the petitioner remained in custody for nearly more than a month and hence filed B.P. No. 537 of 2020 in the Court of learned Additional Sessions Judge-V, Saran at Chapra, it is submitted that the learned Additional Sessions Judge-V, Saran at Chapra was pleased to grant provisional bail to the petitioner by order dated 20.06.2020 with a condition that he will take back the O.P. No. 2 and will keep her with dignity and honour.

4. The learned Senior counsel for the petitioner next submits that thereafter the petitioner took back the O.P No. 2 to her matrimonial home, it is further submitted that for some time, the relationship remained good, but thereafter the relationship again started deteriorating. It is next submitted that the O.P. No. 2 thereafter instituted Kishanganj P.S. Case No. 55 of 2020 dated 08.11.2020 and also filed an application seeking cancellation of the provisional bail granted to the petitioner by order dated 20.06.2020 in B.P. No. 537 of 2020. It is submitted that the provisional bail granted to the petitioner by order dated



20.06.2020 in B.P. No. 537 of 2020 came to be cancelled by order dated 30.01.2021 which is impugned in the present quashing application.

5. The learned Senior counsel for the petitioner next submits that the trial in Chapra Mahila P.S. Case No. 03 of 2020 has commenced and the accused persons are facing trial in the said case, but the petitioner herein is before this Court seeking quashing of the order by which his provisional bail was cancelled. It is next submitted that if the order is set aside, the petitioner will participate and face the trial so that he can prove his innocence.

6. It is further submitted that petitioner is on bail in Kishanganj P.S. Case No. 55 of 2020.

7. The learned A.P.P. for the State along with learned counsel for the O.P. No. 2 opposes the quashing application but are not in a position to rebut the submission of the learned Senior counsel for the petitioner that if the order dated 30.01.2021 is set aside, the petitioner shall revert back on provisional bail and would be in a better position to face the trial.

8. At this stage, the learned Senior counsel submits that the petitioner undertakes that he will not abscond rather will



participate in the trial.

9. In view of the submissions made by the learned Senior counsel for the petitioner, the order dated 30.01.2021 passed by the learned Additional Sessions Judge-V, Saran at Chapra in Sessions Trial No. 367 of 2020, CIS No. 367 of 2020 arising out of Chapra Mahila P.S. Case No. 03 of 2020 whereby the provisional bail granted to the petitioner stands cancelled **is hereby set aside.**

10. However, it is made clear that the petitioner shall remain physically present before the learned Trial Court as and when required.

11. Accordingly, the present quashing application stands allowed.

(Satyavrat Verma, J)

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