

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31426 of 2014

Arising Out of PS. Case No.-1464 Year-2008 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Hiralal Chaudhary @ Heera Lal Yadav Son of Saral Chaudhary Resident of
village - Chhitauna, P.S. Kateya, District – Gopalganj

... .. Petitioner

Versus

1. State of Bihar
2. Jaimati Devi, wife of Hiralal Chaudhary, D/o Indraman Chaudhary, resident
of village - Kalyanpur Katahri, P.S. Bhorey, District - Gopalganj

... .. Opposite Parties

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 18-04-2023

This application has been filed for quashing of the order dated 27.02.2014 /28.02.2014 passed in Trial No.1500 of 2014, arising out of Complaint Case No. 1464 of 2008, by learned Sub-Divisional Judicial Magistrate, Gopalganj, by which the learned court below has cancelled the bail bonds of the petitioner and issued non-bailable warrant of arrest against the petitioner.

It appears that the marriage of petitioner and opposite party no.2 solemnized in the year 1988. The opposite party no.2 filed Complaint Case No. 1464 of 2008 under Section 494 and 498-A of the Indian Penal Code against the petitioner and his family members. This Court vide order dated 14.03.2011 passed in Criminal Miscellaneous No. 3396 of 2011 granted provisional bail to the petitioner on the ground that he is ready to keep the opposite party no.2 with full dignity and honour. It has also been observed in the order that the provisional bail



bond of the petitioner will be finally accepted in two eventualities either the opposite party no.2 accompanies the petitioner or she refuses to accompany the petitioner.

It also appears that the opposite party no.2 filed Criminal Miscellaneous No. 32315 of 2011 for cancellation of anticipatory bail of the petitioner. In the said case, both the parties appeared before this Court and shown their willingness to resume the conjugal life. This Court vide order dated 16.01.2012 disposed of the said application and directed that the petitioner will remain on the same bail bonds which was executed vide order dated 14.03.2011 passed in Criminal Miscellaneous No.3396 of 2011. Thereafter, Criminal Miscellaneous No. 9627 of 2012 and Criminal Miscellaneous No.9628 of 2012 have been filed by the parties to modify the order dated 16.01.2012 and this Court vide order dated 21.03.2012 modified the order dated 16.01.2012 and one more chance was given to the husband to comply the undertaking given before this Court and if the petitioner fails to comply the undertaking the Court below on expiry of one year from 16.01.2012 will cancel the bail bonds of the petitioner. The Court by impugned order has cancelled the bail bonds of the petitioner on the ground that the petitioner did not take any step



to bring the opposite party no.2 to his house.

Learned counsel for the petitioner submits that the petitioner has made several efforts to keep the opposite party no.2 with him but every time the opposite party no.2 avoided to accompany with the petitioner.

I have considered the submissions of the parties and also perused the materials available on record. It is matrimonial dispute between the parties and in earlier proceeding both the parties have shown their willingness to resume the conjugal life.

Considering the aforesaid facts and also in the interest of justice, the impugned order cancelling the bail bonds of the petitioner deserves to be quashed. Accordingly, the order dated 27.02.2014 /28.02.2014 passed in Trial No.1500 of 2014, arising out of Complaint Case No. 1464 of 2008 is quashed. The petitioner is directed to execute fresh bail bonds within eight weeks from today. Thereafter, the Court below will accept the bail bonds of the petitioner and proceed in the matter in accordance with law.

(Sandeep Kumar, J)

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