

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32112 of 2015

Arising Out of PS. Case No.-82 Year-2011 Thana- TISIAUTA District- Vaishali

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Sharvan Das son of Late Satya Narain Das, resident of village- Dhandhua,
P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sarita Devi daughter of Lala Ram, presently residing at village Nilo Rukundpur, P.S.- Tisiauta, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shrinandan Prasad Singh, Sr. Adv. Mr.Atul Prakash, Adv. Mr. Kumar Sameer, Adv.
For the Opposite Party/s :		Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 21-02-2023 Heard learned Senior Counsel for the petitioner and

the State.

The present petition is directed against the order dated 19.5.2015 passed by the Sessions Judge, Vaishali at Hajipur in Cr. Misc. No. 39 of 2012 by which he has cancelled the anticipatory bail granted to the petitioner by order dated 20.2.2012 in Tisiauta P.S. Case No. 82 of 2011 registered under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

From the order-sheet itself, it shows that on 19.5.2015, the learned Sessions Judge cancelled the anticipatory bail of the petitioner after recording the following facts :

*“Under the aforesaid facts and
circumstances, I find force in the submission*



of learned counsel of the petitioner of this Misc. case that husband though giving undertaking as a bond in the court and procuring bail for keeping his wife with full honour and dignity, flouted the orders and direction of the court even abused and refused to take away his wife to her matrimonial house and therefore such person has not respect either to rule of law or judicial system of our country.

On behalf of the petitioner of this Misc. case, a case law reported in 2012 (2) PLJR at page 1101 has been cited in which the Hon'ble Court has held that Code of Criminal Procedure, 1973 - section 28 439 (2) bail- cancellation - ordered to cancel the bail bond of the O.P.no.2 accordingly. Learned S.D.J.M. Hajipur is hereby directed to take all possible coercive steps for securing presence of O.P.no. 2 in the court and if he is not arrested by the police within a reasonable period of time, then a direction



may also be issued to the Superintendent of Police, Vaishali for arrest of O.P.no. 2 in the present case. Once his presence is secured an effort should be made to conclude his trial at an earliest possible time, preferably within a period of six months from the date of his production, so that he is brought to justice.

In the result, the instant Cr. Misc. petition stands allowed with the observations/ directions made above.”

This petition was although promptly filed in 2015 itself. On 16.2.2016, a bench of this Court (Hon’ble Mr. Justice Ashwani Kumar Singh) as he then was, adjourned the matter.

Subsequently, another bench of Patna High Court (Hon’ble Mr. Justice Dinesh Kumar Singh) as he then was, on 1.5.2017 after hearing the parties, issued notice to the Opposite Party No. 2. However, no interim protection was granted to the petitioner.

In view of the fact that on 1.5.2017 itself, a detailed order was passed by the Hon’ble Court whereafter notices were issued to the Opposite Party No. 2 and that too on the



submission put forward by the learned counsel for the petitioner that he is ready to keep the informant as wife with full dignity and honour.

In that background, when no interim protection was granted to the petitioner, he chose to defy the order dated 19.5.2015 for 8.5 years inasmuch as, as per the information given by the learned Senior Counsel, the petitioner never appeared before the concerned Court and thus the case remained pending for a decade.

Considering the aforesaid facts, this Court does not deem it fit and proper to interfere in the order in question.

It would be appropriate for the petitioner to immediately move before the concerned Court and take steps for grant of bail so that the legal systems relating to his case starts rolling again.

The petition stands dismissed with the aforesaid observations.

(Rajiv Roy, J)

Ajay Singh/-

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