

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48240 of 2015

Arising Out of PS. Case No.-15 Year-2013 Thana- AAYAR District- Bhojpur

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Dilip Singh @ Jugnu Singh @ Bir Singh son of Dhirendra Pratap Singh
resident of village - P.O. Kachawan, P.S. Kerakat, Distt. Jonpur Uttar Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sarita Devi W/o Dilip Singh @ Jugnu Singh @ Bir Singh permanent
resident of village - Kachwan, P.S. Kerakat, Dist. Janpur Uttar Pradesh and
present address - Vill/P.O. Hadiabad, P.S. Ayer, Distt. Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-03-2023 Heard the parties.

The present petition has been preferred for quashing
of the order dated 30.07.2015 passed by Learned S.D.J.M. Ara
in GR. No. 786/13/Tr. No. 4034/13 arising out of Ayer P.S. Case
No. 15/2013 registered under Section 494/498A I.P.C. whereby
non-bailable warrant was issued without cancelling the
anticipatory bail application of the petitioner.

As per the prosecution story, the lady was married to
the petitioner but was tortured for dowry. Accordingly, the F.I.R.
was lodged in which Section 494 of the I.P.C. has also been
incorporated.

The matter went up to the learned Sessions Judge,



Bhojpur at Ara and on 30.07.2013, the learned Court in view of the undertaking given by the husband, provisional relief was granted to him and on the next date of hearing, on 30.09.2013, as the wife did not complain any ill treatment, the provisional bail was confirmed.

On 06.05.2015, a petition was preferred by the lady that despite the consent of the husband that he will be taking her to his home, the accused persons are not taking her to the in laws' house. Accordingly, prayer was made for cancellation of bail bond.

On 23.06.2015, both the informant as well as the petitioner herein gave their attendance and on call appeared through their respective counsels in view of the consent of the lady that she is ready to go with her husband, direction was issued to take her.

The matter was adjourned for 30.07.2015 and the same was taken up in view of the fact that the order dated 23.06.2015 was not complied, which has been inscribed in the order-sheet which the learned counsel for the informant has provided (certified copy) that the learned Court has incorporated B.B.C. meaning thereby cancellation of bail bond followed by incorporation of non-bailable warrant (O.C. to issue non-



bailable warrant) to Dilip Singh dated 30.07.2015.

Aggrieved, the present petition.

In the application in question, it has been specifically stated that without cancellation of the bail granted to the petitioner, the order was passed for issuance of non-bailable warrant.

This Court has gone through the certified copy dated 30.7.2015 attached with the petition and the incorporation of the sentence B.B.C. (Bail Bond Cancelled), as stated above is/are already there. Certainly, the petitioner cannot play hide and seek with the Court after giving an undertaking. The learned Court rightly passed the order dated 30.07.2015 cancelling the bail bond of the petitioner with the direction for issuance of non-bailable warrant.

No case for interference is made out.

Accordingly, the petition stands dismissed.

(Rajiv Roy, J)

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