

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54508 of 2017

Arising Out of PS. Case No.-49 Year-2012 Thana- BUNIYAD GANJ District- Gaya

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Arun Bharti Son of Naryan Bharti, resident of Village- Pashi, P.S.-
Buniyadganj, District- Gaya. At present resident of Village- Pashi, P.S.-
Janibazar, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kanti @ Gayanti Devi wife of Arun Bharti, Daughter of Late Krishnandan
Giri, resident of Village- Saddipur, P.S.- Buniyadganj, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
For the Opposite Party/s	:	Mr. Sri Ashok Kumar Singh 1
For the State	:	Mr. Madan Kumar, APP I/c

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-04-2023

Re:- I.A. No. 01 of 2019

This Interlocutory Application has been filed for
addition of prayer in the main quashing application in view of
the subsequent development.

Considering the averments made in the application, it
is allowed.

The averments made in this application shall be
treated to be the part of main quashing petition.

Re:- Cr. Misc. No. 54508 of 2017

Heard the parties.

This application has been filed on behalf of the
petitioner for quashing the order dated 29.07.2017 passed in Cr.
Misc. No. 70 of 2017 passed by learned Sessions Judge, Gaya in



connection with Buniyadganj P.S. Case No. 49 of 2012 whereby and whereunder the anticipatory bail granted on 09.11.2012 vide ABP No. 1245 of 2012 has been cancelled.

Learned counsel for the Opposite Party No. 02 has submitted that he has earlier appeared for the Opposite party No. 02 but now the client has taken file from him and therefore he has no instructions regarding the matter.

It has been submitted by the learned counsel for the petitioner that despite the best effort the wife refused to live with the husband and therefore he could not abide by the undertaking given before the court.

Considering the aforesaid facts, this court is of the opinion that now no useful purpose will be served by sending the petitioner to jail.

In view of the law laid down by the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the petitioner is not required to be arrested now.

Accordingly, the order dated 29.07.2017 passed in Cr. Misc. No. 70 of 2017 passed by learned Sessions Judge, Gaya in connection with Buniyadganj P.S. Case No. 49 of 2012 is hereby quashed.



The petitioner will remain on bail granted to him by
the Court below. The Criminal case will continue.

(Sandeep Kumar, J)

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