

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6256 of 2024

Arising Out of PS. Case No.-530 Year-2021 Thana- BRAHMPUR District- Buxar

Shubeshwar Tiwary @Sumeshwar Tiwari Son Of Rameshwar Tiwary
Resident Of Village- Brahmpur, PS- Brahmpur, Distt- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Goldi Singh Daughter Of Late Surendra Singh Resident Of Village- Barkhi
Purwa, Ps- Brahmpur, Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Teerthankar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

Mr. Deepak Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-03-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing the order dated 08.12.2023 passed by the Additional Sessions Judge 1st, Buxar in connection with Sessions Trial No. 156/2022 arising out of Brahmpur P. S. Case No. 530 of 2021 whereby provisional bail granted to the petitioner by co-ordinate Bench of this Court *vide* order dated 14.07.2022 passed in Cr. Misc. No. 18028 of 2022 has been cancelled and office was directed to issue non-bailable warrant against the petitioner.

3. Learned counsel for the petitioner submits that earlier the petitioner had surrendered before the learned court below on 10.01.2022, thereafter, filed a regular bail application



before this Hon'ble Court *vide* Cr. Misc. No. 18028 of 2022. After hearing the matter, provisional bail was granted to the petitioner on 14.07.2022 on the joint agreement that there is likelihood of settlement and for that this matter may be referred to mediation. Further direction therein to the learned court below that to fix time bound mediation in this matter, if settlement takes place, the provision bail of the petitioner shall be directed to be confirmed and if not, the learned court is free to pass appropriate order in accordance with law.

4. From perusal of the impugned order dated 08.12.2023, it is apparent that the mediation between the parties has failed and petitioner has violated the conditions of the provisions bail. Considering the conduct, failure of mediation and accusation against the petitioner, provisional bail granted to the petitioner by co-ordinate Bench of this Court *vide* order dated 14.07.2022 passed in Cr. Misc. No. 18028 of 2022 has been cancelled.

5. I do not find any illegality or irregularity in the impugned order dated 08.12.2023 passed by the Additional Sessions Judge 1st, Buxar in connection with Sessions Trial No. 156/2022 arising out of Brahmpur P. S. Case No. 530 of 2021

6. This quashing application is, accordingly,



dismissed.

(Prabhat Kumar Singh, J)

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