

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31406 of 2023

Arising Out of PS. Case No.-69 Year-2020 Thana- MAHILA PS District- Buxar

PAPPU KUMAR Son of Shri Ashok Shah Resident of village - Judge Bharsara, P.S. - Bihiya, Distt. - Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Kumari Wife of Shri Pappu Kumar, D/o Shri Munnilal Shah Resident of village and Post - Itaadhi, P.S. - Itaadhi, Distt. - Buxar (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Saket Tiwary, Advocate
For the State	:	Mr. Bishweshwar Ram, APP
For Opposite Party No.2	:	Mr. Narendra Chaubey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-03-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant/Opposite Party No. 2.

2. This application has been filed under Section 482 of the Code of Criminal Procedure, 1973, on behalf of the petitioner for quashing the order dated 03.08.2022 passed by the court of learned Additional District and Sessions Judge III, Buxar, in connection with Sessions Trial No. 183 of 2022 arising out of Buxar Mahila P.S. Case No. 69 of 2020, whereby the learned court below has refused to confirm the provisional bail of the petitioner and cancelled his bail bounds.

3. From perusal of the records it appears that after



institution of the F.I.R., this petitioner preferred an application seeking anticipatory bail before this Hon'ble Court. After hearing the parties, the petitioner was granted provisional bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 06.01.2022 passed in Cr. Misc. No. 16326 of 2021. This Court directed the learned court below to explore the possibilities of settlement and if the issue between the parties is resolved, the provisional bail of the petitioner shall be confirmed.

4. From the impugned order dated 03.08.2022 it appears that in spite of the best efforts made by the learned court below, the settlement between the parties could not be arrived at. It further appears that time and again, this petitioner was filing application for confirmation of provisional bail, but when he was directed by the learned court below to bring a petition in writing that he is taking his wife from the court, he filed another petition stating that he is taking his wife with him as per the direction and he will get her treatment by a doctor and only after consulting the doctor, he would keep her with him and as such, it is not possible for him to take her with him on that day.

5. Considering the aforesaid facts and circumstances of the case and the attitude and conduct of the petitioner, I do not find any illegality in the order impugned.



6. Accordingly, this quashing application is dismissed.

(Prabhat Kumar Singh, J)

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