

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55696 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- GORAUL District- Vaishali

=====

ARVIND KUMAR S/O DINESH KUMAR SINGH R/O VILLAGE-
PAKAHI, P.S. MANIYARI, DIST. MUZAFFARPUR. AT PRESENT
RESIDING AT MOHALLA- G.N. GANJ, P.S. LAHERISARAI, DIST.
DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari, D/o Shri Dharmendra Kumar, R/o Village Sehan, P.S. Goraul,
Dist. Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Adarsh Singh, Advocate Mr. Vikash Kumar Jha, Advocate Ms. Shalu Sinha, Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP
For the O.P. no.2	:	Mr. Nachiketa Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 17-05-2024 1. Heard learned Senior counsel for the petitioner,

learned APP for the State and learned counsel for the opposite

party no.2.

2. The petitioner has filed the instant application
praying for quashing the order dated 17.6.2023 passed by the
learned A.C.J.M. I, Vaishali at Hajipur in connection with
Goraul (O.P.) P.S. Case no.324 of 2022 whereby the provisional
bail granted to the petitioner was cancelled.

3. Learned Senior counsel appearing for the petitioner
submits that the petitioner was made accused in Goraul P.S.



Case no.324 of 2022 registered under sections 498A, 494 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act, the dispute arising out of a matrimonial dispute. At the intervention of well wishers, a compromise was entered into between the parties which has been brought on record as Annexure-4 to the supplementary affidavit filed on behalf of the petitioner. It further transpires that an order dated 24.3.2023 (Annexure-2) was passed in B.P. no.401 of 2023 by the learned Additional Sessions Judge XIII, Vaishali at Hajipur wherein taking into consideration the period in custody of the petitioner and the compromise arrived at, the petitioner was directed to be enlarged on provisional bail. It was observed therein that the learned lower Court would monitor the activities of the petitioner and if the court below find that the petitioner has fulfilled the condition of compromise, it will confirm the provisional bail of the petitioner after the expiry of three months but, if it finds that the same has not been adhered to, it shall proceed to cancel the bail. It was pursuant thereto that the order impugned dated 17.6.2023 was passed by the learned Additional Chief Judicial Magistrate I, Vaishali cancelling the bail bond of the petitioner.

4. Learned Senior counsel appearing for the petitioner



submits that the order is not sustainable for the reason that it does not even state as to what terms of the compromise was not adhered to by the petitioner which led to the order of cancellation being passed.

5. Learned counsel appearing for the opposite party no.2 submits that the order dated 24.3.2023 granting bail to the petitioner was clear that the petitioner had to fulfill the conditions of the compromise failing which after the expiry of three months, the learned Court below was at liberty to cancel the bail bond of the petitioner. The order impugned dated 17.6.2023 clearly spells out that inspite of three months having passed, the petitioner is not appearing and terms of the compromise having been violated, the bail bond is cancelled.

6. Having heard learned counsel for the parties and having perused the material on record, this Court finds that the terms of the compromise petition on which provisional bail was granted to the petitioner by order dated 24.3.2023 has been brought on record by the petitioner in the supplementary affidavit. So far as the order cancelling the bail bond of the petitioner on 17.6.2023 is concerned, it does not state as to what terms of the compromise was not adhered to by the petitioner. Though it speaks about the petitioner not appearing in the



learned trial Court, the reason of cancellation is not the non-appearance of the petitioner.

7. In view of the facts and circumstances of the case, the order dated 17.6.2023 passed by the learned ACJM I, Vaishali at Hajipur in connection with Goraul P.S. Case no.324 of 2022 cancelling the bail bond of the petitioner is quashed.

8. The petitioner shall appear before the learned trial Court within a period of four weeks.

9. It goes without saying that the learned trial Court will be at liberty to pass appropriate orders with respect to cancellation or confirmation of the bail bond of the petitioner, as the case may be, in terms of the order granting bail to the petitioner by order dated 24.3.2023, in accordance with law.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

