

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48571 of 2024

Arising Out of PS. Case No.-372 Year-2019 Thana- ALAMGANJ District- Patna

Shekhar Suman Son of Gopal Prasad Resident of Mohalla- Vikash Colony,
Lane No.-3, Sandalpur Road, P.O.- Mahendru, P.S.- Alamganj, District- Patna,
800006

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Kumari wife of Shekhar Suman and Daughter of Sarvadanand Singh
Resident of Mohalla- Srinagar, Masaurhi, P.S- Masaurhi, Dist- Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Sr. Advocate Mr. Avinash Kumar Singh, Advocate Mr. Sumit Kumar, Advocate
For the State	:	Mr. Murli Dhar, APP
For the O.P. No.2	:	Mr. Braj Kishore Singh, Advocate Mr. Ramchandra Singh, Advocate Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 16-07-2025

1. Heard learned counsel appearing on behalf of
the parties.

2. Present petition preferred by the petitioner
under Section 482 of Code of Criminal Procedure (in short
Cr.P.C.) for quashing of order dated 26.04.2024 passed by
learned 1st Additional District & Sessions Judge, Patna City,
Patna (arising out of Alamganj P.S. Case No. 372/2019)
whereby the provisional bail of the petitioner has been



canceled and the Bail Application of the petitioner has been rejected without considering the case on merit.

3. Prosecution, in brief speaks that on 27.05.2019, O.P. No. 2, namely Renu Kumari along with her parents while went to her in-laws house, on arrival her husband namely, Shekhar Suman and his father Gopal Prasad started abusing O.P. No. 2 and her family members and thereafter assaulted them by means of iron rod which caused injury. After primary treatment in Guru Govind Singh Sadar Hospital the matter was referred to NMCH, Patna, whereafter Alamganj P.S. Case No. 372/2019 was lodged against petitioner.

4. It is submitted by Mr. Shekhar Singh learned senior counsel appearing for the petitioner that the petitioner was granted Provisional Bail by learned Addl. District and Sessions Judge 1st, Patna City after remaining in custody for about one onerous month. It is submitted that the provisional bail was allowed with one condition that petitioner will keep his wife with honor and dignity. It is submitted that as mediation was failed between the parties, due to which provisional bail granted by the learned Addl. District and



Sessions Judge 1st, Patna City, was recalled vide order dated 26.04.2024 passed in B.P. No. 270 of 2023.

5. In view of aforesaid, it is submitted by Mr. Singh, that the court cannot impose such onerous condition while granting regular bail. It is submitted that the only petitioner cannot be held responsible for failed mediation.

6. In view of his submission that onerous condition cannot be imposed, Mr. Singh relied upon legal report of Hon'ble Supreme Court as available through ***Sumit Mehta vs. State (NCT of Delhi)*** reported in ***(2013) 15 SCC 570.***

7. It would be apposite to reproduce order dated 26.04.2024, which read as:-

ORDER

"Heard Sri Shatendra Mishra, learned counsel for the petitioner and Sri Faizul Hoda, learned Addl.P.P. for the state of Bihar.

Petitioner namely Shekhar Suman, is in custody since 22.02.2023 in connection with Alamganj P.S. case no. 372/2019 registered for the offences U/S 341, 323, 498(A), 504/34 I.P.C. pending in the court of S.D.J.M., Patna city.

The allegation against the petitioner is that he along with other co-accused persons abused, brutally assaulted and tortured the informant for the demand of dowry.

The provisional bail of the accused petitioner is allowed on 21.03.2023 with condition that the



petitioner is ready to keep his wife with full honour and dignity. There after the case record of this case was send to the mediation center for settle the matter of both the parties. A report of the mediation center attached with the case record in which the mediation center is reported that the mediation of both parties are not succeeded.

Heard both parties and perused the case record.

From perusal of case record it appears that the petitioner is not ready to keep his wife with full honour and dignity. Hence considering the facts and circumstance of the case that the provisional bail of the petitioner is here by canceled and and the bail petition of the accused petitioner is here by rejected.”

8. It would be appropriate to reproduce the Paragraph Nos. 14 ,15 and 16 of **Sumit Mehta Case (supra)**, which read as:-

14) *Thus, in the case on hand, fixed deposit of Rs. 1,00,00,000/- for a period of six months in the name of the complainant and to keep the FDR with the investigating officer as a condition precedent for grant of anticipatory bail is evidently onerous and unreasonable. It must be remembered that the Court has not even come to the conclusion whether the allegations made are true or not which can only be ascertained after completion of trial. Certainly, in no words are we suggesting that the power to impose a condition of this nature is totally excluded, even in cases of cheating, electricity pilferage, white-collar crimes or chit fund scams etc.*

15) *The words “any condition” used in the provision should not be regarded as conferring absolute power on a Court of law to impose any condition that it chooses to impose. Any condition has to be interpreted as a reasonable condition acceptable in the facts permissible in the circumstance and effective in the pragmatic sense and should not defeat the order of grant of bail. We are of the view that the present facts and circumstances of the case do not warrant such*



extreme condition to be imposed.

16) *In the light of the above discussion, while retaining the order granting anticipatory bail in favour of the appellant-accused, namely, Sumit Mehta, we set aside the direction relating to deposit of FDR in the name of the complainant. However, the appellant-accused has to fulfill the following conditions:*

i) The appellant shall make himself available for interrogation by a police officer as and when required;

ii) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) The appellant shall furnish his address to the Investigating Officer who shall verify it and submit it to the trial Court under his signature. In case of change of address, it must be communicated to the Investigating Officer who shall verify it and intimate the same to the court concerned under his signature; and

iv) The appellant shall not leave India without the previous permission of the trial Court.

9. Taking note of submission and upon perusal of record it transpires that the provisional bail of petitioner was recalled only for the reason that mediation between the parties was failed, certainly, petitioner only cannot held responsible for unsuccessful mediation, the onerous condition like above is not permissible while granting provisional bail in view of ***Sumit case (supra)***, accordingly, the impugned order of cognizance dated 26.04.2024 passed by learned 1st Additional District & Sessions Judge, Patna City, Patna, *qua*



above-named petitioner is hereby quashed/set aside, with all its consequential proceedings.

9. Accordingly, learned court concerned is directed to confirm the provisional bail of petitioner with same sureties and bond without imposing any onerous condition like above.

10. Accordingly, the petition stands allowed.

11. Let a copy of this judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2025
Transmission Date	17.07.2025

