

(2006) 11 PAT CK 0140

Patna High Court

Case No: Criminal Miscellaneous No. 42708 of 2006

Ram Belash Pandey

APPELLANT

Vs

The State of Bihar

RESPONDENT

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**Date of Decision:** Nov. 2, 2006**Acts Referred:**

- Dowry Prohibition Act, 1961 - Section 3, 4
- Penal Code, 1860 (IPC) - Section 498A

**Citation:** (2007) 1 PLJR 403**Hon'ble Judges:** Navin Sinha, J**Bench:** Single Bench

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**Judgement**

@JUDGMENTTAG-ORDER

Navin Sinha, J.

Heard learned Counsel for the petitioners, learned counsel for the State and the learned Counsel appearing on behalf of the complainant in the former case who has entered appearance suo motu. In the former case, the complainant was married to the son of the petitioner 20 years ago. The allegations in the complaint are specific against the husband only. The allegations against the present petitioner is that he hates the complainant and that he allegedly instigated the husband of the complainant to assault the complainant. The complaint does not state anything further against the present petitioner. The court below by a common order has rejected the prayer for anticipatory bail of the husband as also the petitioner, the father-in-law, on the ground that there were allegations of commission of cruelty and breach of trust and that his son had remarried. Even while noticing the statement that the son of the petitioner was still willing to keep the complainant in the matrimonial home with dignity.

2. In the latter case, the petitioners are the husband and his family members. The allegations are u/s 498A and other provisions of the Penal Code and Sections 3/4 of

the Dowry Prohibition Act. The Court below in para 6 of its order has noticed as follows:-

"6. The victim is present before me. She has stated that she is coming from her Sasurai. She is leading now a peaceful life."

3. Yet the prayer for anticipatory bail have been rejected.

4. This Court is disturbed by the nature of the order passed by the court below in exercise of judicial powers. This is so notwithstanding the orders of this Court and the guidelines laid down in Section 498A matters in the order reported in [Md. Naimul Haque Ansari @ Naimul Haque Ansari Vs. The State of Bihar](#) which was directed to be circulated to all the judgeships and the subsequent order of this Court dated 21.8.2006 Reported in [Ajay Kumar Singh and Others Vs. State of Bihar](#), on the issue.

5. The orders of the present nature are matters of serious concern for the High Court which is being flooded with unnecessary applications for anticipatory bail more particularly u/s 498A of the Penal Code. This Court finds it very difficult to appreciate the manner in which the courts below have passed the present orders despite the aforesaid orders of this Court and the fact that in its order dated 21.8.2006 in Cr.Misc. No. 33371/2006 this Court has classified such orders as judicial adventurism, judicial indiscipline and suffering from judicial impropriety. The orders reflect either judicial incapacity or abdication of judicial duties. Both are serious matters. Having considered the facts and circumstances of the case, this Court considers it proper to direct the petitioners aforementioned, to surrender in the court below within a period of four weeks from today, when they shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of SDJM, Sasaram in Complaint Case No. 1153/2004 and CJM, Supaul in Complaint Case No. 02C of 2005 respectively.