

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50221 of 2014

Arising Out of PS.Case No. -68 Year- 2013 Thana -JAMALPUR District- MUNGER

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Anamika Kumari @ Richa, Wife of Anupam Paswan, D/o Faudi Paswan,
Resident of Mohalla - Chhoti Keshavpur, P.S. Jamalpur, District- Munger

.... Petitioner

Versus

1. The State of Bihar

2. Anupam Paswan S/o Sri Bhikhari Paswan, R/o Mohalla - New Colony,
Daulatpur, B.M.P. No. 9, P.S. Jamalpur, Distt- Munger, presently working as
Executive Logistics Sharp Business System (India) Limited, 214-221, Ansal
Tower 30, Nehru Place, New Delhi- 110019

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. K.N. Sahay, Advocate

For the State : Mr. J.K. Singh, APP

For O.P. No. 2 : Mr. Ajit Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-08-2016

Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party no. 2.

2. The present petition has been filed for cancellation of
the anticipatory bail granted to opposite party no. 2 by order dated
05.08.2014 in Cr. Misc. No. 14740 of 2014 in Jamalpur P.S. Case No. 68
of 2013 in relation to the offences committed under Sections 498A and
307/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. Learned counsel for the petitioner-informant submits
that the anticipatory bail granted to the opposite party no. 2 is liable to
be cancelled for having violated the undertaking given before this



Court to the effect that he is ready and willing to keep his wife with full dignity and honour. It is pointed out that opposite party no. 2 has since filed Original Petition No. 385 of 2014 for a decree of divorce which is said to be pending before the learned Principal Judge, Family Court, Munger. It is further stated that the Opposite Party No. 2 has not been making regular payments of maintenance of Rs. 2,000/- per month as directed. It is further stated that the petitioner is ready and willing to live with the opposite party no. 2, and the latter's statement to the contrary is incorrect.

4. Learned counsel for the opposite party no. 2, on the other hand, submits that he has been substantially complying with the order of this Court by fulfilling his undertaking. It is submitted that the petitioner refused to accept maintenance payment when tendered and also refused to disclose her bank account to enable the opposite party no. 2 to make the payment. By way of substantial compliance of the order of this Court, the amounts have been deposited in the Nazarat of the Civil Court.

5. Having heard the parties and on careful consideration of the relevant facts of the case on record, this Court is not inclined to entertain the prayer of the petitioner. While granting anticipatory bail to the petitioner, this Court had observed that the opposite party no. 2 would be liable for cancellation of his bail in the event of any similar complaint being filed against him. The petitioner, however, accepts that

no such complaint has been filed by her since the order of this Court granting anticipatory bail was passed.

6. The present petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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