

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31354 of 2017

Arising Out of PS. Case No.-6286 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Khushbu Kumari W/o Nitish Pratap Palit D/o Suresh Chandra Prasad,
Resident of Village- Purani Bazar Nawada, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nitish Pratap Palit @ Nitish Pratap Pali @ Nitish Kumar, Son of Sri Vijay Pratap Palit, Resident of Village-Tarwan, P.S.- Wazirganj, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

10 18-07-2018 A supplementary affidavit has been filed on
behalf of the petitioner.

Let it be taken on record.

The petitioner/wife has sought cancellation of
bail of opposite party no. 2 which was granted to him by
a Bench of this Court vide order dated 29.03.2016
passed in Cr. Misc. No. 13793 of 2016.

By the aforesaid order, the provisional bail was
given to opposite party no. 2 with a direction that the
same be confirmed by the court below in three
eventualities - (I) if the matrimonial harmony is
substantially restored or (ii) if the complainant fails to
appear before the learned court below or (iii) if the
complainant deliberately shows reluctance to reconcile



the matrimonial differences.

The records reveal that there was an insistence on the part of the petitioner that she would go to live in her matrimonial home only when opposite party no. 2 comes personally to pick her up from her parental house. This was not agreeable to opposite party no. 2 who, on one occasion, had a bitter experience in visiting the house of the petitioner. The court below, considering that the matrimonial relationship has not been resumed solely because of the petitioner, confirmed the provisional bail granted to opposite party no. 2.

Hence, the cancellation petition has been preferred by the petitioner.

It was initially argued by the learned lawyer appearing for the petitioner that she would not put any precondition and is ready and willing to go to her matrimonial home and resume the matrimonial life. However on several dates, the matter was deliberated and a kind of consensus was sought to be struck as to where would the petitioner and opposite party no. 2 would live as man and wife. The opposite party no. 2 expressed his inability to rent an accommodation at the place of his work. However, later he agreed for doing the same but wanted some time to arrange for an accommodation at his place of work. In the meantime,



it was suggested by opposite party no. 2 that he shall also reside in his village home along with his wife/petitioner and would operate from the same place, as an interim arrangement.

Learned counsel for the petitioner has expressed suspicion over such a move/suggestion of the opposite party no. 2 on the ground that his place of work is around 80 kms. away from his village home and the aforesaid offer has only been made to make it difficult for the petitioner to stay in the village home.

In any view of the matter, the difference of opinion between the spouses has continued.

This Court does not wish to express any opinion as to at whose instance the entire efforts of reconciliation has gone awry. But in any view of the matter, the application preferred on behalf of the petitioner seeking cancellation of bail of opposite party no. 2 appears to be without merits.

The petition is thus dismissed.

(Ashutosh Kumar, J)

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