

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11510 of 2018

Arising Out of PS.Case No. -667 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Sulekha Kumari, w/o- Manoj Kumar, resident of village Marsua, P.S. Wen
(Nalanda) , District – Nalanda at present of Dr. Surendra Prasad, resident of
village Kurthiya, P.S. Chandi, district Nalanda

.... Petitioner/s

Versus

1. State of Bihar
2. Manoj Kumar son of Satendra Kumar resident of village Marsua, P.S.
(wen) Nalanda, district Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 01-08-2018 Heard learned counsel for the petitioner and learned
counsel for the opposite party no. 2.

The petitioner has prayed for cancellation of order
dated 22.02.2017 passed in Cr. Misc. No. 30222 of 2015 whereby
the opposite party no.2 has been granted bail.

Learned counsel for the petitioner submits that the
opposite party no. 2 has re-married and has been neglecting the
petitioner after the order passed by this Court and, therefore, the
petitioner has been compelled to once again leave her matrimonial
home along with her child as she was neglected and was also
suffering for want of education for her child.

Learned counsel for the opposite party no. 2 has filed



counter affidavit in which he has demonstrated that the petitioner is being paid the amount, as was agreed upon between the parties in the Family Court, and therefore, she is being well taken care of but during the period, the opposite party no. 2 was away for some training at Dehradun, the petitioner went back to her paternal home along with her father and child and now the present application for cancellation of bail has been filed. The matter was also placed before the trial Court and the trial Court tried to bring about some amicable settlement but failed to do so as the girl (petitioner) denied to go back to her husband home and now the present application for cancellation has been made out making same and similar charges of re-marrying which, however, has not been proved by the petitioner after enquiry under Section 202 of the Cr.P.C. Accordingly, the opposite party no. 2 submits that no case of cancellation is made out as the opposite party no. 2 has not misused the privilege of bail.

Having heard learned counsel for the petitioner as well as the opposite parties and learned counsel for the State, in my opinion, no case for cancellation of bail is made out. There is no substantial reason and/or explanation for misuse of privilege of bail.

In view of such facts and circumstances of the case,



the present cancellation for bail stands dismissed.

(Anjana Mishra, J)

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