

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53558 of 2017

Arising Out of PS.Case No. -1377 Year- 2012 Thana -
BHAGALPUR COMPLAINT CASE District- BHAGALPUR

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Anamika, daughter of Anuplal Yadav, wife of Rakesh Kumar,
resident of Village-Prabhat Colony, P.S.-Purnia (Kotwali),
District-Purnea, Now change the present address, resident
of Vimalanchal Girija Mukteshwar Colony, Mayaganj Road,
Near (West) of D.M. Kothi, beside Dr. R.K. Sinha, P.S.-
Barari, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar, son of Satynarayan Viswas
3. Satyanarayan Viswas, son of Late Khooblal Viswas
4. Sushila Devi, wife of Satyanarayan Viswas

All residents of Village-Prabhat Colony, P.S.-Kotwali,
District-Purnea, Office Address, Bank of Maharashtra,
Plot No. 12, Sector No. 9, Vikas Nagar Luckhnow,
Present residential address, 4, 490, Vikas Nagar,
Luckhnow.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 21-03-2018 The petitioner/complainant has sought cancellation of

bail of O.P. Nos. 2, 3 and 4 which was granted to them by

order dated 01.08.2013 passed by the learned Sessions

Judge, Bhagalpur in connection with Complaint Case No.

1377 of 2012 instituted for the offence under Section 498(A)

of the Indian Penal Code and Section 4 of the Dowry

Prohibition Act.

A perusal of the order reflects that a conditional order



was passed, granting the privilege of anticipatory bail to O.P. Nos. 2 to 4 with the caveat that after their release, they shall make efforts to bring back the complainant/petitioner to her matrimonial fold and the opposite parties would be required to inform the Court at regular intervals about the peaceful matrimonial life of the spouses.

From the petition seeking cancellation of the aforesaid anticipatory bail to O.P. Nos. 2 to 4, it does not clearly appear whether the complainant/petitioner has approached the Court below for cancellation of bail of O.P. Nos. 2 to 4 on the ground of non-compliance of the aforesaid condition imposed at the time of grant of anticipatory bail.

Learned counsel for the petitioner has submitted that O.P. No. 2/husband of the petitioner had approached the Hon'ble High Court for quashing of the order of cognizance. In the aforesaid case, a Bench of this Court vide order dated 19.08.2014 passed in Cr. Misc. No. 4539 of 2014, had directed the O.P. No. 2 to make regular payment of Rs. 5000/- per month to the petitioner/complainant for her maintenance. It has been submitted that maintenance amount has also not been willfully and deliberately given to the petitioner.

The petitioner is required to approach the Court below viz. the Court of learned Sessions Judge, Bhagalpur and bring



to his notice that the conditions imposed by the Court while granting anticipatory bail to O.P. Nos. 2 to 4 by order dated 01.08.2013 have not been complied with and seek cancellation of their bail.

In case such a petition is filed before the learned Court below, the Court shall issue notice to the O.P. Nos. 2 to 4 and on hearing both the parties, shall pass a reasoned order, in accordance with law.

With the aforesaid direction, the present petition is disposed of.

(Ashutosh Kumar, J)

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