

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49966 of 2017

Arising out of PS.Case No. -434 Year- 2012 Thana -NALANDA
COMPLAINT CASE District- NALANDA (BIHARSHARIFF)

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Rubi Kumari @ Rubi Devi, Wife of Tinku Chauhan @ Tinku Kumar,
D/o Rambalak Chauhan, Resident of Village- Balva Chak,
Beldariya, P.S.- Silaw, Dist- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tinku Chauhan @ Tinku Kumar, Son of Budhu Chauhan,
Resident of Noniya Chak, P.S.- Sigori, Dist- Patna at present S.T.
No.1 Jagdish Colony, Thadari, Khurd Ludhiana (Punjab).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv
For the State : APP
For the OP No. 2 : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

6 30-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for cancellation of
order dated 13.01.2016 passed in Cr. Misc. No. 26925 of 2014
confirming the provisional anticipatory bail granted to the
petitioner by order dated 11.12.2014.

3. It appears from the order dated 20.06.2018 that time
was granted to learned counsel Mr. Sudhir Kumar Raj for entering
appearance on behalf of the opposite party no. 2 and to file



counter affidavit. The matter was passed over on 24.08.2018 and 29.08.2018, but no appearance has been entered nor is the opposite party no. 2 represented. No counter affidavit has also been filed on behalf of the opposite party no. 2.

4. Learned counsel for the opposite party no. 2 states that the opposite party no. 2 is required to make payment of Rs. 3,00,000/- as permanent alimony on the terms and conditions agreed between the parties in Mediation Proceeding No. 1445 of 2014. However, the opposite party no. 2 paid Rs. 1,00,000/- by demand draft dated 098337 dated 31.12.2015 at the time of disposal of Cr. Misc. No. 26925 of 2014 confirming the provisional anticipatory bail of the opposite party no. 2, but the remaining amount of Rs. 2,00,000/- has not been paid to the petitioner by the opposite party no. 2.

5. Having heard learned counsel for the petitioner and on consideration of the materials on record, this Court is of the view that the opposite party no. 2 has resiled from his commitment in making payment of permanent alimony of Rs. 3,00,000/- out of which only Rs. 1,00,000/- has been paid to the petitioner. This Court had confirmed the provisional anticipatory bail of the opposite party no. 2 in the light of the settlement arrived at between the parties which required the opposite party no. 2 to make payment of Rs. 3,00,000/- to the petitioner which has been defaulted.

6. Despite valid service of notice, none has entered appearance on behalf of the opposite party no. 2 and no counter affidavit has been filed controverting the statement made in the petition.

7. In the above circumstances, the order dated



13.01.2016 passed in Cr. Misc. No. 26925 of 2014 confirming the provisional anticipatory bail granted to the opposite party no. 2 is hereby cancelled and the learned Court below is directed to cancel the bail bond of the opposite party no. 2.

8. Cr. Misc. No. 49966 of 2017 stands disposed of.

(Vikash Jain, J)

Chandran/BT

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