

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17587 of 2017

Arising Out of PS. Case No.-241 Year-2013 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Priyanka Mishra, wife of Late Pawan Kumar Mishra, resident of Mohalla English Lakhisarai, P.S. & District-Lakhisarai, at present residing at Mohalla Laxmisagar, Road No.1, P.S. -Vishwavidyalay, District- Darbhanga.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sajan Kumar Mishra @ Sajan Mishra, Son of Late Radhekant Mishra, resident of Mohalla-English Lakhisarai, P.S. & District-Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shakti Suman Kumar, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For Opposite Party No.2	:	Smt. Shusumita Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

18 15-02-2019 Heard learned counsel for the petitioner and learned counsel for O.P. No.2 as well as learned counsel appearing on behalf of the State.

In the present application, the petitioner seeks cancellation of the order dated 09.07.2015 passed in Cr.Misc. No.19952 of 2015, by which petitioner No.3 Sajan Kumar Mishra @ Sajan Mishra, who is an accused in connection with L.N.M.U. P.S. Case No.241 of 2013 registered under Section 498A, 406, 420, 504 and 120B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, has been granted bail.

The application for cancellation of such an order was preferred by the informant Priyanka Mishra as soon after the



grant of anticipatory bail order passed by this Court, the said Sajan Kumar Mishra (petitioner No.3 in Cr.Misc. No.19952 of 2015) started indulging in acts which were unbecoming of his conduct, as had been assured by him in the earlier application for grant of anticipatory bail.

It was submitted by the petitioner/informant Priyanka Mishra that such acts by the said Sajan Kumar Mishra warranted interference by this Court and the order should be withdrawn and his bail bonds be cancelled in view of the repeated threats being issued by him to her and her small children.

Learned counsel for the petitioner pointed out to the order in which it has been categorically stated that the petitioner will not harass the complainant/informant in any manner so as to cause any further mental anguish in future. However, soon thereafter he had started such acts and had also issued several threats, including threats for not pursuing the matter with regard to the partition of the properties.

This Court taking serious note of the matter had issued notice to the Opposite Party No.2-Sajan Kumar Mishra, who had appeared in person. The matter was considered at length on several dates in Chambers, where appropriate directions were issued, so that the matter, which was a family



issue, could be resolved and the petitioner, a widow lady, could be provided some relief so that she and her children may not live a life full of threats and apprehension.

It was observed by this Court on the last occasion that despite several adjournments, the Court was constrained to observe on 28.11.2018 that though sufficient time had been given to them to resolve the dispute, yet there appeared to be no advancement to the resolution of the same and the O.P. No.2 Sajan Kumar Mishra appeared to be recalcitrant and had a belligerent attitude towards the petitioner Priyanka Mishra and her small children.

Today, a supplementary affidavit has been filed on behalf of the petitioner in which she has narrated a series of events leading to the filing of a *Sanha* (informatory petition) against the said Sajan Kumar Mishra. It has been submitted that the O.P. No.2 and co-accused Shailendra Kumar Mishra used to threaten the petitioner on phone and asked her to withdraw the present criminal case. Though she had been taking their calls, their repeated abuses and threatening calls finally led to her filing of an information in this regard on 11.01.2017. She has also submitted that on 02.11.2018 at about 10:00 P.M., O.P. No.2 called the petitioner on phone and threatened her not to



appear before this Court on 27.11.2018. He further threatened to eliminate her if she appeared before this Court. Consequently, she expressed her inability to appear before the Court. This Court had adjourned the case and placed the matter in open Court.

In the application filed today, she has brought on record a *Sanha* filed before the University P.S.-Darbhanga on 11.11.2018. In the said application, she has stated that on 27.11.2018, O.P. No.2 called her on her Mobile Phone No.8092626665 through Phone No. +917644974741. On the said date, O.P. No.2 has threatened to eliminate her which she had recorded and stored in her pen-drive. It has been submitted that she is being put under continuous pressure to withdraw the criminal case and forgo her claim in the entire property of her late husband. She has also stated that she is residing with her old and disabled father with two minor children who are living under constant threat.

Having considered the entire gamut of circumstances and on perusal of the present informatory petition and also the series of interactions between the petitioner and also the O.P. No.2, which took place in the Chambers of this Court, this Court finds that there is ample material on record to cancel the order



dated 09.07.2015 passed in Cr. Misc. No.19952 of 2015. The present application for cancellation of bail thus stands allowed.

The court of C.J.M., Darbhanga is directed to take necessary steps to cancel the bail bonds and proceed in accordance with law.

(Anjana Mishra, J)

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