

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50518 of 2018**

Arising Out of PS. Case No.-849 Year-2011 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Sudha Bhagat, D/o Sri Arun Kumar Bhagat, R/o Mohalla- Mirchaibari, P.S.-
Sahayak Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. State of Bihar
2. Raj Kumar Bhagat @ Laloo, S/o Late Shital Pd. Bhagat, R/o Vill.- Sajjan Bihar Bausi Durga Asthan Colony Road, P.O.P.S.- Bausi, District- Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mrs. Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 20-11-2019 Heard learned counsels for the petitioner, opposite party no.2 and the State.

The present application has been filed for cancellation of bail of opposite party no.2, Raj Kumar Bhagat, being the husband of the petitioner, Sudha Bhagat.

The factual matrix of the case is that opposite party no.2, Raj Kumar Bhagat preferred Cr. Misc. No. 29576 of 2012 with a prayer for grant of anticipatory bail in Complaint Case No. 849 of 2011, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the IPC. While hearing the said application, it was submitted on behalf opposite party no.2-petitioner that he



was ready to keep the petitioner-opposite party no.2 as wife with full dignity and honour, but the petitioner-opposite party no.2 refused to accept the said offer of the opposite party no.2-petitioner. However, in alternative, opposite party no.2-petitioner undertook to make payment of Rs. 5,000/- per month from October, 2012 to the petitioner-opposite party no.2, which the petitioner-opposite party no.2 accepted and on that ground the petitioner was granted bail vide order dated 17.08.2012. However, liberty was given to the petitioner-opposite party no.2 that if she wants to resume the conjugal life and files such an application before the learned Court below, then the learned Court below will issue notice to the opposite party no.2-petitioner when he will be obliged to take the petitioner-opposite party no.2 to keep her as wife.

Learned counsel for the petitioner-opposite party no.2 submits that now the petitioner-opposite party no.2 is ready to forgo the maintenance amount and has changed her mind and she wants to live with opposite party no.2-petitioner.

However, learned counsel for opposite party no.2-petitioner submits that in pursuance to the order passed in Maintenance Case No. 242 of 2011, opposite party no.2-petitioner is making payment of Rs. 4,000/- per month to the



petitioner-opposite party no.2 since 31.03.2016, hence, opposite party no.2 cannot be obliged to make payment in pursuance to the order passed by this Court and to keep the complainant in the matrimonial house.

Be that it as may, that cannot be a ground for cancellation of bail. Parameters for grant of bail and its cancellation is quite different. There is nothing on record to suggest that opposite party no.2-petitioner has misused the privilege of bail, hence this Court is not inclined to interfere.

However, if the complainant wants to resume the conjugal life forging her claim for maintenance and if she files such an application before the learned Court below then the learned Court below will take steps for mediating the issue.

Accordingly, the instant application stands dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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