

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76683 of 2019

Arising Out of PS. Case No.-1999 Year-2013 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Kawalpati Devi @ Kalyani Devi Wife of Dr. Mukhlal Yadav, Resident of
Village - Khiria Mathia, P.S.- Shikarpur, District- West Champaran

... .. Petitioner

Versus

1. The State Of Bihar
2. Dr. Mukhlal Yadav Son of Late Biga Yadav Resident of Village - Khiria Mathia, P.S.- Shikarpur, District- West Champaran. Presently residing at Ramlakhan Singh Yadav College, P.S.- Bettiah Muffasil, District - West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Zainul Abedin
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 17-02-2020 This application has been filed for cancellation of anticipatory bail granted to Opp.Party no.2 by learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran in A.B.P. No.2702 of 2018 dated 20.03.2019 arising out of Tr. No.340 of 2018 registered under Sections 498, 323,504/34 of the Indian Penal Code in connection with Complaint Case No.1999 of 2013.

Submission of learned counsel for the petitioner is that the petitioner had filed Maintenance Case No.176M of 2013 u/S 125 Cr.P.C. in the court of learned Principal Judge, Family Court, Bettiah, but Opp.Party no.2 never appeared to contest the



case. However, learned Principal Judge directed the Opp.Party no.2 to pay Rs.8000/- per month to the petitioner and her unmarried daughter w.e.f. 19.07.2013 from the date of filing of the case.

Heard learned A.P.P.

On perusal of the impugned order, it is evident that considering the fact that Opp.Party no.2 is aged about 78 years and the petitioner is residing in the house of Opp.Party no.2 with full honour, Opp.Party no.2 has been granted anticipatory bail. So far as not making payment of maintenance amount is concerned, the petitioner may move before the family court for realisation of the same.

In view of above, I am not inclined to interfere with the impugned order.

The application for cancellation of bail is dismissed.

(Vinod Kumar Sinha, J)

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