

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78440 of 2019

Arising Out of PS. Case No.-21 Year-2012 Thana- MAHILA P.S. District- Vaishali

Priyanka Kumari W/o Rajiv Kumar Rai @ Raj Kumar @ Raj Rai, D/o Rampravesh Rai @ Ram Prakash Rai, at present Resident of village- Tetarapur Baikuntapur , P.S.- Mohaddinagar, Distt.- Samastipur

... .. Petitioner

Versus

1. The State of Bihar
2. Rajiv Kumar Rai @ Rajiv Kumar @ Raj Kumar @ Raj Rai S/o Rajendra Rai R/o village- Pauri Bujurg, P.S.- Ganga Bridge, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 17-02-2020 This application has been filed for cancellation of anticipatory bail granted to Opp.Party no.2 by Hon'ble Mr.Justice Gopal Prasad(the then) vide Cr. Misc.No.2663 of 2013 arising out of Mahila (Vaishali) P.S. Case No.21 of 2012 registered under Sections 498(A), 506 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act, by which Opp.Party no.2 was directed to pay Rs.4000/- per month as maintenance till the date any maintenance decided by the competent court.

Submission of learned counsel for the petitioner is that later on, the petitioner had filed Maintenance case no.132 of 2014 and the same was decided on 15.05.2015 and Opp.Party



no.2 was directed to pay Rs.8000/- per month to the petitioner but Opp.Party no.2 stopped the payment from 15.05.2015. Against the said order, Opp.Party no.2 filed Cr.Revision No.614 of 2015 on the ground that the petitioner is not a legally married wife of Opp.Party no.2, which was dismissed on 17.09.2018. Thereafter, the petitioner filed a petition before the court of S.D.J.M. for cancellation of anticipatory bail of Opp.Party but the same was rejected on 03.07.2019.

Heard learned A.P.P. and perused the order granting anticipatory bail by this court, from which it appears that Opp.Party no.2 was directed to pay Rs.4000/- per month till maintenance case was decided. Now the Family Court has already decided the maintenance amount.

Considering the aforesaid facts and circumstances, I am not inclined to the interfere with the matter. However, if the Opp.Party no.2 is not paying any maintenance, the petitioner is at liberty to move before the appropriate forum as per provision contained in the Criminal Procedure Code.

In view of the facts as stated above, the application for cancellation of anticipatory bail is dismissed.

(Vinod Kumar Sinha, J)

nawalkrs/-

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