

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36330 of 2021

Arising Out of PS. Case No.-677 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Sweta Kumari, Female, aged about 20 years, Wife of Vikash Kumar,
Daughter of Suresh Turi, Resident of Village - Akbarpur, Hatiyapar
(Bhatbigha), PS- Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikash Kumar, Son of Sri Mundrika Turiya @ Mundrika Prasad, Resident of
Village - Deep Nagar, Kalali Par, PS- Deep Nagar, District - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
For the State : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-09-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ravi Shankar Sahay, learned counsel for
the petitioner and Mr. Ajay Kumar Jha, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.



3. The present petition has been filed seeking cancellation of bail granted to the opposite party no. 2 by order dated 16.11.2019 passed in Cr. Misc. No. 41784 of 2019.

4. By order dated 01.09.2021, supplementary affidavit has been filed on behalf of the petitioner bringing on record the orders dated 08.07.2019 and 11.09.2019 passed in Cr. Misc. No. 41784 of 2019 as also copy of the agreement between the parties in Mediation dated 06.11.2019, on the basis of which, the bail of the opposite party no. 2 was confirmed.

5. Learned counsel for the petitioner submitted that the Court had taken note of the fact that the matter has been compromised. He submitted that in terms of the compromise, the opposite party no. 2 had undertaken to keep the petitioner with full dignity and honour and the petitioner was also taken to the matrimonial home. However, learned counsel submitted that the compromise petition filed by the opposite party no. 2 for restitution of conjugal right under Section 9 of the Hindu Marriage Act was surreptitiously got converted into a petition for divorce under Section 13 of the Hindu Marriage Act in Matrimonial Case No. 276 of 2017, by taking the signature of the petitioner under misrepresentation and coercion. It was submitted that the petitioner has, thus, filed a petition before the Principal Judge,



Family Court, Nalanda bringing such fact to the notice of the Court.

6. From the records it transpires that the opposite party no. 2 had been granted bail in connection with Complaint Case No. 677 of 2018 and as per the pleadings in the main petition itself, it transpires that the said case has been disposed of and the opposite party no. 2 was acquitted on 11.12.2019.

7. In the aforesaid background, the Court finds that there is no occasion for the Court to interfere in the matter as the case in which the bail had been granted to the opposite party no. 2 itself has been disposed of and, thus, the issue of cancellation of bail in the said case does not survive any longer.

8. In view thereof, the petition stands disposed of.

9. However, the Court would only observe that if any wrong has been committed by the opposite party no. 2 or his family members against the petitioner, including fraud and misrepresentation, the same being a fresh cause of action, it would be open for her to institute appropriate proceedings before the appropriate forum in connection thereto. If the same is done, it shall be considered by the Court concerned on its own merits, in accordance with law, without being prejudiced by the present order. Further, whatever matters are pending between the parties,



the same shall also have to be decided on the basis of their respective merits as also taking into consideration the developments which may have taken place during the pendency of such proceedings.

(Ahsanuddin Amanullah, J.)

P. Kumar

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