

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7133 of 2022

Arising Out of PS. Case No.-378 Year-2020 Thana- GAURICHAK District- Patna

SANJAY KUMAR SON OF BIRENDRA PRASAD @ BIRENDRA PRASAD SINGH @ BIRENDRA YADAV RESIDENT OF VILLAGE- JANAKPUR, P.S.- GAURICHAK, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANGITA DEVI WIFE OF SANJAY KUMAR DAUGHTER OF DINANATH RAI, RESIDENT OF VILLAGE- JANAKPUR, P.S.- GAURICHAK, DISTRICT- PATNA. AT PRESENT RESIDENT OF VILLAGE- DHANAUT, P.S.- RUPASPUR, DISTRICT- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-07-2022 This is an application for quashing the order dated 01.11.2021 passed by Additional District and Sessions Judge-II, Patna City in Cr. Misc. (B.C.) Case No. 101 of 2021, whereby and whereunder the learned court below cancel the Anticipatory Bail of the petitioner, which was granted on 18.03.2021 in A.B.P. No.7513 of 2021 in Gaurichak P.S. Case No. 378 of 2020.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State as well as learned counsel appearing on behalf of the informant.

It appears from, submission of learned counsel for the



petitioner that the petitioner is not in position to pay Rs. 6,000/- per month to the O.P. No.2, namely, Sangita Devi, due to circumstantial hardship developed due to COVID-19, pandemic.

Learned counsel for O.P. No.2 submitted that anticipatory bail was obtained from court below on the sole ground of monthly payment of Rs. 6,000/- to O.P. No.2, as per own undertaking of petitioner and, as such, present quashing petition is nothing but abuse of process of law, amounting a permission to make a “u-turn” from own undertaking to pay Rs. 6,000/- per month to his wife and children, which is otherwise to save them from destitution, in difficult time of pandemic.

Considering the submissions as made above, the present quashing petition stands dismissed.

However, petitioner shall be at liberty to raise this issue in maintenance proceeding, if any, pending between the parties before learned Family Court.

(Chandra Shekhar Jha, J)

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