

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5486 of 2020

Arising Out of PS. Case No.-1313 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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NITU KUMARI @ NEETU KUMARI Wife of Gopal Kumar Sinha, D/O
Anant Kumar Sinha At present Resident of Mohalla Shivpuri, Near Tara
Apartment, P.S. Sastrinagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Gopal Kumar Sinha Son of Baijnath Pd. Sinha Resident of Village - Velha,
Budha Bagat Lane, Gali No. 9, road No. 3, P.S. Delha, District Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh
For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and learned

APP for the State but in spite of valid service of notice none is

present on behalf of opposite party no.2.

The present application has been filed on behalf of
petitioner to cancel the provisional bail of opposite party no.2,
which was granted to him by a co-ordinate Bench of this Court
vide order dated 24.04.2019 passed in Cr. Misc. No.2383 of
2019 with certain conditions as enumerated in the said order.

From perusal of records, it appears that the opposite
party no.2 was granted provisional bail vide order dated
24.04.2019 passed in Cr. Misc. No.2383 of 2019, the relevant
portion of the order reads thus:



“...The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below on showing substantial proof by the petitioner to the effect that he has deposited the entire maintenance amount in the bank account of the complainant.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.”

It is submitted by learned counsel for the petitioner that opposite party no.2 has not paid a single pie in the account of the petitioner and hence the opposite party no.2 has failed to obey the order of the Family Court as well as this Hon’ble Court.

As the opposite party no.2 has failed to obey the order of this Court, I have no option but to cancel his bail bond. In the result, the order dated 24.04.2019 passed in Cr. Misc. No.2383 of 2019 is hereby recalled and this application is allowed.

Learned Court below is directed to take necessary steps in accordance with law.

(Anjani Kumar Sharan, J)

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