

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16725 of 2021

Arising Out of PS. Case No.-133 Year-2018 Thana- SIWAN CITY District- Siwan

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DIPSHIKHA SINGH Wife of Ravi Bhushan Kumar, Daughter of Rakesh Singh Resident of 126, Laxmipur Andar Dhala, P.S. - Town, District - Siwan at Present residing at - K-9 P 325, Bankim Mukherjee Sarani (Sahapur Colony), New Alipore, Kolkata- 700053.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Parwati Devi Wife of Late Shyam Bihari Prasad.
3. Ravi Bhushan Kumar @ Dharmendra Son of Late Shyam Bihari Prasad.
Both 2 & 3 are Resident of Village and Post office- Rajpur, Police Station - Raghunathpur, District - Siwan, at present resident of Laxmipur Ander Dhala, Post office- Siwan, P.S.- Siwan Town, District - Siwan.
4. Priya Kumari @ Puja Kumari Daughter of Dalsingar Prasad.
5. Dal Singar Prasad Son of Late Ritlal Bhagat.
Both 4 & 5 are Resident of Village and Post office- Morhi, P.S. - M.H. Nagar, District - Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 12-05-2022

Heard learned counsel for the petitioner and learned APP
for the State.

2. The instant application has been filed by the petitioner for quashing the order dated 02.05.2019 passed by learned Sessions Judge, Siwan in Cr. Misc. No. 57 of 2018 whereby the learned court below has dismissed the application of the petitioner filed under Section 439(2) of Cr.P.C. for cancellation of bail in connection with Siwan Town P.S.Case No.133 of 2018.



3. As per prosecution case, the petitioner is legally wedded wife of opposite party No.3 Ravi Bhushan Kumar @ Dharmendra. Her marriage was solemnized on 28.02.2021. The petitioner filed Siwan Town P.S. Case No. 133 of 2018 with an allegation that the opposite parties used to torture her mentally and physically. Further allegation is that the opposite party No.3 solemnized second marriage with another girl. After getting knowledge of second marriage of her husband, the petitioner arrived at her matrimonial house on 27.02.2018 and found her husband alongwith another lady Priya Kumari and Puja Kumari with one year female child. When she tried to enter the house, they all assaulted and threw her out of the house.

4. It is further alleged that the opposite party Nos.2 to 5 have been enlarged on bail by the learned court below on 05.03.2018 and 06.03.2018. The petitioner filed Cr. Misc. No.57 of 2018 before the learned court below itself for cancellation of bail of the opposite parties. After hearing both the parties, the learned court below rejected the application of the petitioner for cancellation of bail.

5. Learned counsel for the petitioner submits that the learned court below has erred in granting bail to the opposite parties and also rejecting the application filed by the petitioner for



cancellation of bail. Further submits that the opposite party No.3 in his bail application had stated that he was paying maintenance to the petitioner but more than three lacs is due for payment and he is not paying the amount of maintenance as granted by the learned Family Court. Further submits that the opposite party No.3 has performed marriage with one Priya Kumari @ Puja Kumari illegally. Further submits that the opposite parties have threatened the witnesses of the petitioner and therefore no body is ready to depose against the opposite parties.

6. Learned A.P.P. for the State submits that the court of learned Chief Judicial Magistrate has granted bail to the opposite parties on merit and they have never misused the privilege of bail. The petitioner is leaving in Kolkata and she has filed 3 to 4 cases in Kolkata. Further submits that the opposite party No.3 is paying Rs.25,000/- per month to the petitioner as maintenance as per direction of the learned Family Court. The opposite party No.3 has also filed a case for restitution of conjugal rights bearing No.230 of 2013 but the petitioner intentionally did not turn up and therefore, the learned court passed ex parte order in his favour. The petitioner is in the habit of filing frivolous cases against the opposite parties.



7. Upon hearing the parties and the finding in the impugned order, this Court finds that there is no illegality/infirmity in the impugned order and no need to interference.

8. Accordingly, the quashing application stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2024
Transmission Date	19.03.2024

