

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24647 of 2021

Arising Out of PS. Case No.-1747 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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SHANTRA KHATOON wife of Shah Nawaz @ Shanwaj Ali @ Emtiyaz Ali,
D/O Pan Mohammad @ Md. Emamuddin Resident of Village - Juafar, P.S. -
Bhagwanpur Hat, District - Siwan, at Present resident of Village - Hulesara,
P.S. Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnawaz Ali @ Imteyaz Ali @ Shanwaj Ali Son of Ali Mohammad
Resident of Village - Juafar, P.S. - Bhagwanpur Hat, District - Siwan, at
Present Deputy Commandant office Central Unit C.P.S. (C.I.S.F.)- Khairy,
P.S. - Khairy, District - Chamba (Himachal Pradesh).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Shrivastava
For the State	:	Mr. Shailendra Kumar
For the O.P. No. 2	:	Mr. Satyendra Rai

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 06-07-2022 Heard learned Counsel for the petitioner, learned

Counsel for the Opposite Party No. 2 and learned Additional

Public Prosecutor for the State.

The present application has been filed for cancellation
of anticipatory bail granted to Opposite Party No. 2 vide order,
dated 18.09.2019, passed in Criminal Misc. No. 30005 of 2019.

Learned Counsel for the petitioner submits that while
the anticipatory bail application was being heard, the Opposite
Party No. 2, who is the husband of the petitioner, had given
categorical undertaking before this Court that he would treat the



petitioner properly as his wife and would also take her to his place of posting and till then, he would maintain his wife and will bear the cost of living of the petitioner., He next submits that the Opposite Party No. 2 has deviated from the undertaking given before this Court and, accordingly, his bail bond may be cancelled.

On the other hand, learned Counsel for the Opposite Party No. 2 submits that the Opposite Party No. 2 is in para military forces and right now, he has been posted in Kashmir and since he is a constable, he is not allowed to keep his family at the place of posting. He next submits that the Opposite Party No. 2 is ready and willing to pay a sum of Rs. 5,000/- per month to his wife (petitioner) regularly in her bank account, being S.B. A/c No. 32520608293 (IFSC Code SBIN0004577), Bhagwanpur Hat Branch, State Bank of India. He next submits that the Opposite Party No. 2 has not violated the condition of bail.

Having heard learned Counsel for the parties concerned, I do not find any cogent reason for cancellation of bail granted to the Opposite Party No. 2. This application is, accordingly, dismissed.

However, it is expected that the Opposite Party No. 2



shall follow his undertaking regarding payment of living cost of Rs. 5,000/- per month to his wife regularly subject to the outcome of any other matrimonial proceeding initiated/decided between the parties.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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