

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64934 of 2021

Arising Out of PS. Case No.-136 Year-2016 Thana- MAHILA P.S. District- Nalanda

GUDIYA DEVI WIFE OF CHANDAN KUMAR, D/O- DAYANAND
PRASAD R/O VILLAGE- SHAKRAWAN, P.S.- ASTHAWAN, DISTRICT-
NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CHANDAN KUMAR SON OF PRASAD SINGH R/O VILLAGE-
PARNAWADA NEEM TOLA, P.S.- NAWADA TOWN, DISTRICT-
NAWADA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prakash Kumar
For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

24 22-03-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel appearing on behalf of
the opposite party no. 2.

This application is filed for cancellation of
anticipatory bail of Opposite Party No. 2 granted by this Court
vide order dated 31.07.2017 passed in Cr. Misc. No. 12006 of
2017 in connection with Bihar Sharif Mahila P.S. Case No. 136
of 2016 for the offence under sections 498A, 323, 504, 308, 34
of the I.P.C.

Submission of learned counsel for the petitioner is
that the opposite party no. 2 has obtained bail vide order dated



31.07.2017 passed in Cr. Misc. No. 12006 of 2017 in the light of the report of the Mediation and Conciliation Centre where the matter was amicably settled between the parties but the opposite party no. 2/husband did not honour his own statement made as per agreement between the parties. After obtaining bail, the opposite party no. 2 violated the terms and conditions of agreement.

It is further submitted that the cancellation of bail was filed on 18.11.2021 and notice was issued to the opposite party no. 2 on 08.12.2021. On 15.02.2022, Vakalatnama has been filed on behalf of the opposite party no.2. Thereafter, opposite party no. 2 took several adjournments to settle the matter. On 24.08.2022, two weeks' time was allowed to the opposite party no.2 to file show cause as to why his bail bond be not cancelled. On 07.12.2022, opposite party no. 2 undertook to pay due amount within one month, but he did not pay the agreed amount even after taking adjournments. The opposite party no. 2 did not give satisfactory reply to the show cause. Thereafter, many opportunities have been given to the opposite party no. 2 to settle the matter but the matter has not been settled. Therefore, the bail granted to the opposite party no.2/husband may be cancelled.



Having considered the above facts and circumstances of the case, the submissions advanced on behalf of the petitioner about non-fulfillment of the terms and conditions of the agreement, unabling to pay due amount even after taking several adjournments and continuously violating the court's order as well as unsatisfactory reply to the show cause, the application for cancellation of anticipatory bail is allowed. Accordingly, bail granted to the Opposite party No. 2, Chandan Kumar on 31.07.2017 vide Cr. Misc. No. 12006 of 2017 is, hereby, cancelled.

(Arvind Srivastava, J)

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