

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63777 of 2023

Arising Out of PS. Case No.-229 Year-2018 Thana- SAHPUR District- Patna

Nira Devi Wife Of Vibhay Singh Resident Of Village- Nargadha, Ps- Sherpur, Dist- Patna, Presently Residing At Mira Devi D/O Parmanand Singh Resident Of Durga Lane Shekhpura, Ps- Shastri Nagar, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibhay Singh @ Bibhay Kumar @ Vibhay Singh @ Vibhay Kumar Son Of Ragho Singh Resident Of Village- Nargoda, Ps- Sahpur, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satish Chandra, Adv
For the Opposite Party/s	:	Mr. Ravinder Kumar, APP
		Mr. Alok Kumar Sinha, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-12-2023 1. Heard learned counsel for the petitioner, learned APP, Mr. Ravinder Kumar, along with learned counsel for the OP No. 2, Mr. Alok Kumar Sinha.

2. The learned counsel for the petitioner submits that the present application has been filed seeking cancellation of bail of the Opposite Party No. 2, who was granted the privilege of anticipatory bail by order dated 12-7-2023 in Cr. Misc. No. 28265 of 2022 in connection with Shahpur PS Case No. 229 of 2018, registered under Sections 323, 504, 498A of the IPC, read with Sections 3 and 4 of the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that anticipatory bail was granted to the OP No. 2, who is the husband of the petitioner on the ground that both were willing to resume their conjugal life, and the OP No. 2 had also undertaken that he



would keep the informant (petitioner herein) with honor and dignity. Further, the OP No. 2 had taken the petitioner to her matrimonial home from the court itself, but thereafter again differences arose in between the petitioner and the OP No. 2 and the OP No. 2 again ousted her from the matrimonial home after assaulting her brutally.

4. The learned counsel for the OP No. 2 submits that a false plea has been raised in the present application seeking cancellation of anticipatory bail granted to the petitioner. It is next submitted that differences between the petitioner and the OP No. 2 after order dated 12-7-2023 again surfaced and the petitioner on her own volition left the matrimonial home.

5. It is further submitted that no useful purpose would be served by cancelling the anticipatory bail granted to the OP No. 2, as once the OP No. 2 goes to judicial custody, in that event, the chances of rapprochement become nearly impossible.

6. It is next submitted that OP No. 2 is willing to pay a monthly maintenance of Rs. 4,000/- to the petitioner, on which the learned counsel for the petitioner submits that in that event he is not pressing the present application.

7. Since the OP No. 2 is willing to pay a monthly maintenance of Rs.4,000/- on which learned counsel for the petitioner is not pressing the present application, as such it is



directed that OP No. 2 will start paying a monthly maintenance of Rs.4,000/- from 15-12-2023 to the petitioner which shall be credited in her saving bank account No. 50484571243, IFSC Code- IDIB000P615 with Indian Bank having branch at Sheikpura (5134), Patna.

8. It is made clear that in the event if the petitioner files an application seeking maintenance under Section 125 Cr.P.C before the court of learned Principal Judge, Family Court and the learned family court decides the maintenance either interim or final in that event the present maintenance which the OP No. 2 is paying shall stop. It is also made clear that the present maintenance amount shall be paid till disposal of Shahpur PS Case No. 229 of 2018 or till the family court decides the maintenance either interim or final.

9. The court expects that the undertaking given by the OP No. 2 shall not be flouted.

10. In view of the submission recorded hereinabove, the learned counsel for the petitioner does not press the present application as such the present application is dismissed.

(Satyavrat Verma, J)

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