

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25465 of 2023

Arising Out of PS. Case No.-317 Year-2019 Thana- BIRAUL District- Darbhanga

BANDANA KUMARI Wife of Sanjiv Kumar Jha , Daughter of Kaushal Kumar Choudhary @ Kousal Kumar Choudhary R/V- Dumari, PS- Biraul, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Jha @ Sanjiv Son of shiv Chandra Jha Permanent r/v- Khajrui, ps- Madhepura Dist- Madhubani, presently residing at Flat No. 302, 306, Sun-shine Sahkari Grih Nirmaan Sanstha, Mahada Colony, Chandiwali, PS- Andhari(East) Dist- Mumbai, Maharastra 400072

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Opposite Party/s : Mr.J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

8 15-03-2024 This application has been filed by the petitioner (wife) for cancellation of bail granted to opposite party no. 2 (husband) vide order dated 10.10.2022 passed by this Court in Cr. Misc. No. 44056 of 2021.

2. It is a case of matrimonial dispute. The opposite party no. 2 (husband of the petitioner) filed anticipatory bail application bearing Cr. Misc. No. 44056 of 2021. For exploring the possibility of amicable settlement of the dispute between the parties, the matter was referred to Patna High Court Mediation Centre.

2. On the basis of compromise, the matter was settled between the parties before the learned Mediator on the terms and conditions mentioned in the report dated 29.08.2022. The terms and conditions of the compromise dated 29.08.2022 is extracted hereinbelow:-



“(i) That opposite party no. 2 will lead their conjugal life with the petitioner (husband) peacefully after forgetting their respective past.

(ii) That the petitioner is ready to keep his wife (opposite party no. 2) with full dignity and honour.

(iii) That both the parties will lead their conjugal life with full consent to one another.

(iv) That both the parties will withdraw their respective cases pending in the court below after restoration of conjugal life, preferably within one month of the restoration thereof.

(v) That both the parties with mutual consent will file the withdrawal petition of the pending cases before the court below just after restoration of conjugal life, subject to the express satisfaction of the opposite party No. 2 i.e., wife that she is meted out due respect and honour by the petitioner (Husband).

(vi) That the petitioner will take bedai with opposite party No.2 on 15.11.2022 from the Mediation Center itself without fail.

(vii) That there will be no unnecessary interferences of relatives and kins of either party, other than wife and husband, in their conjugal life.

(viii) That in the above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their learned counsels, who have also put their signature on this agreement.”

3. It has been submitted by the learned counsel for the petitioner that the opposite party no. 2 (the husband) violated the terms and conditions as made before the learned Mediator at the time of grant of anticipatory bail and, refused to keep his wife with full dignity and honour, and that is why, this application for cancellation of anticipatory bail has been filed by the



petitioner(wife).

4. Both the parties as directed by the Court appeared physically in Chambers, along with their respective lawyers.

5. The husband (opposite party no. 2) flatly refused to keep the victim with him stating that his parents were in mental agony due to the act of the petitioner herein (wife) as well as, he was unaware of the case filed by the wife under the provision of Domestic Violence Act. The conduct of opposite party no. 2 shows that only to get anticipatory bail, he made false promises of keeping the victim with full dignity and honour. The learned APP also submitted that the conduct of opposite party no. 2 is not fair. After getting anticipatory bail, he retracted from his words given to his wife.

7. The learned APP Mr. J.N. Thakur has also submitted that the conduct of the opposite party no. 2 is neither fair to the petitioner (wife) nor to the Court, as he has obtained the anticipatory bail by misrepresentation.

8. Considering the above-mentioned facts and circumstance, this application seeking cancellation of bail is allowed.

9. The anticipatory bail granted to the opposite party no. 2 vide order dated 10.10.2022 in Cr. Misc No. 44056 of 2021 is, hereby, cancelled.



10. The Senior Superintendent of Police, Darbhanga is directed to take appropriate steps immediately and report to this Court within a period of three weeks.

11. List the matter on 26.04.2024.

(Nawneet Kumar Pandey, J)

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