

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26105 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Dipak Purve @ Deepak Kumar Purbey son of Ramgulam Purvey Village-
Supaul Bazar Kheba Tole Pulwa Ps- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sonam Kumari @ Sonam Devi D/o- Sanjay Nayak Village- Salha Ps-
Singhiya Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 08-08-2024 Heard the parties.

2. The present application has been filed for quashing the order dated 15.02.2024 in Cr. Misc. No. 151 of 2023 passed by 10th Additional Sessions Judge, Samastipur by which the anticipatory bail granted to the petitioner has been dismissed because of the fact that the petitioner has not honoured the undertaking given by him in the Court below. The petitioner had given an undertaking that he will keep his wife properly.

3. Earlier the petitioner and the opposite party no. 2 had appeared. The Opposite Party no. 2 appeared again.

4. The petitioner is not ready to stay with the opposite party no. 2 and he is not ready to settle the dispute with the



opposite party no. 2.

5. Once a person gives an undertaking before any Court, he cannot take back that undertaking on his will. He has to honour the undertaking given by him.

6. In these circumstances, I do not find any illegality in the impugned order. Accordingly, the application stands dismissed.

7. It has been submitted by the learned counsel for the opposite party no. 2 that the opposite party no. 2-wife has filed a maintenance case bearing Maintenance Case No. 125 of 2024 in the Court of Principle Judge, Family Court, Samastipur. The petitioner has now knowledge about the maintenance case. He will appear in the Court of Principal Judge, Family Court, Samastipur on 23rd of August 2024. The Maintenance case shall be disposed of within a period of three months of the appearance of the petitioner. The Principal Judge, Family Court, Samastipur will proceed *ex-parte* against the non-cooperative party.

(Sandeep Kumar, J)

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