

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36378 of 2023**

Arising Out of PS. Case No.-341 Year-2018 Thana- KATEYA District- Gopalganj

ANJU DEVI Wife of Anil Yadav Resident of village - Barachap, P.S. -  
Kateya, Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Yadav Son of Sri Ramashray Yadav Resident of village - Dhodhwala,  
P.S. - Kuchaikot, Distt. - Gopalganj

... .. Opposite Party/s

**Appearance :**

|                          |   |                        |
|--------------------------|---|------------------------|
| For the Petitioner/s     | : | Mr. Mohammad Sufyan    |
| For the Opposite Party/s | : | Mr. Nirmal Kumar Sinha |
| For the O.P. No. 2       | : | Mr. Dhramveer          |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

22    25-04-2024                      1. Heard learned counsel for the petitioner and  
learned APP for the State along with learned counsel appearing  
on behalf of the O.P. No. 2.

2. The learned counsel appearing on behalf of the O.P.  
No. 2 submits that O.P. No. 2 is the husband of the petitioner.  
The O.P. No. 2 was granted the privilege of anticipatory bail by  
an order dated 05.04.2023 in Criminal Miscellaneous No. 9437  
of 2022 on the ground that the dispute in between the husband  
and the wife was resolved in the mediation proceedings and  
both were leading a peaceful conjugal life.

3. The learned counsel appearing on behalf of the  
petitioner submits that the instant cancellation application has



been filed seeking cancellation of the anticipatory bail granted to the petitioner by an order dated 05.04.2023 in Criminal Miscellaneous No. 9437 of 2022. It is next submitted that petitioner herein had filed a maintenance case in the Court of learned Principal Judge, Family Court, Gopalganj and the same was allowed by an order dated 04.09.2023 whereby the O.P. No. 2 herein was directed to pay a monthly maintenance of Rs. 4,000/- with effect from 09.09.2019. It is submitted that the O.P. No. 2 herein had also filed a divorce case in the Court of learned Principal Judge, Family Court, Rourkela, Odisha. It is further submitted that since the petitioner was being tortured by the O.P. No. 2 herein and he had filed a case seeking divorce, as such, the petitioner had filed the aforesaid maintenance case and the instant FIR, when the O.P. No. 2 approached this Court for seeking anticipatory bail by filing Criminal Miscellaneous No. 9437 of 2022 and the same was sent for mediation. It is submitted that the O.P. No. 2 herein very wisely, before the learned Mediator, accepted all the terms and conditions of the O.P. No. 2 based on which the anticipatory bail application was granted. It is next submitted that O.P. No. 2 never had any intention of keeping the petitioner with honour and dignity, rather he only intended to get over the maintenance case. It is



submitted that O.P. No. 2, till date, has not paid a single penny towards maintenance and after the privilege of anticipatory bail was granted to him, he ousted the petitioner herein from her matrimonial home.

4. The learned counsel appearing on behalf of the O.P. No. 2 is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner.

**5. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, the anticipatory bail granted to the O.P. No. 2 by order dated 05.04.2023 in Criminal Miscellaneous No. 9437 of 2022 is hereby cancelled.**

6. The learned Trial Court is directed to take all coercive steps to ensure that O.P. No. 2 is behind bars.

**(Satyavrat Verma, J)**

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