

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35987 of 2019

Arising Out of PS. Case No.-116 Year-2015 Thana- RIVILGANJ District- Saran

MADHU DEVI D/o Radhey Ram Pandey, Wife of Krishna Nand Pandey
Resident of Village - Sitab Diyara Biju Tola, P.S. - Revilganj, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Nand Pandey Son of Rambhu Nath Pandey Resident of Village -
Sikandrapur Kashra, P.S.- Sikandarpur, Dist.- Balia (U.P.)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Ansar Ul Haque, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 7 27-02-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.
2. The present application has been filed seeking
cancellation of bail bonds of the opposite party no. 2 in connection
with Revilganj P.S. Case No. 116 of 2015. It is next submitted that
the opposite party no. 2, being the husband, came to be implicated
in the instant FIR by the petitioner who is his wife with an
allegation that the opposite party no. 2 inflicted torture for non-
fulfillment of the dowry demand on the petitioner and ultimately
in August, 2014 the accused persons including the opposite party
no. 2 drove the petitioner out of her matrimonial home which led
to filing of the instant FIR which arises from a complaint.
3. Learned counsel for the petitioner submits that after



the instant FIR came to be instituted, the opposite party no. 2 moved before this Court seeking anticipatory bail by filing Cr. Misc. No. 22552 of 2017 but the same came to be rejected by a Coordinate Bench of this Court vide order dated 19.08.2017. It is further submitted that thereafter again the opposite party no. 2 filed another anticipatory bail application being Cr. Misc. No. 12628 of 2018 wherein a stand was taken that the issue has been resolved in between the opposite party no. 2 and the petitioner and the maintenance amount as directed by the learned Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 265 of 2015 shall be paid to the opposite party no. 2 (petitioner herein) as such the Coordinate Bench of this Court considering the said submissions on behalf of the opposite party no. 2 and the fact that the dispute was matrimonial, hence, the privilege of anticipatory bail was granted to the opposite party no. 2 by an order dated 03.12.2018 in Cr. Misc. No. 12628 of 2018. However, the order dated 03.12.2018 recorded that if the petitioner (opposite party no. 2 herein) fails to comply the undertaking of keeping the informant (petitioner herein) as wife with full dignity and honour in that event opposite party no. 2 (petitioner herein) will be at liberty to file application for cancellation of bail of the petitioner (opposite party no. 2 herein).

4. Learned counsel submits that initially when the



privilege of anticipatory bail was granted to the opposite party no. 2 herein he brought the petitioner to her matrimonial home, kept her for sometimes and thereafter again started torturing her, hence, she had no option but to leave her matrimonial home and came back to her parental home along with her child. Thereafter, the present cancellation application was filed on 03.06.2019.

5. Learned counsel submits that the opposite party no. 2 till date has not paid the maintenance amount as directed by the learned Principal Judge, Family Court, Saran at Chapra nor is willing to maintain the petitioner and the child rather has filed a divorce case being Matrimonial Case No. 259 of 2022 in the Court of learned Principal Judge, Family Court, Ballia. Learned counsel thus submits that initially opposite party no. 2 herein had filed an application seeking anticipatory bail which was rejected by a Coordinate Bench of this Court but thereafter he again filed another anticipatory bail application which was allowed on the ground that the dispute in between the parties stands resolved and the opposite party no. 2 is willing to pay the maintenance amount but at the same time liberty was granted to the opposite party no. 2 (petitioner herein) to seek cancellation.

6. It is next submitted that after the opposite party no. 2 was granted the privilege of anticipatory bail, he again started tormenting the petitioner as such she had to leave her matrimonial



home which amply demonstrates that the anticipatory bail was obtained by the opposite party no. 2 based on misrepresentation. It is next submitted that since the opposite party no. 2 has not paid a single farthing to the petitioner towards maintenance, hence, one can well imagine the plight of the petitioner in maintaining herself and the child without any support from the opposite party no. 2.

7. Learned counsel appearing on behalf of the opposite party no. 2 is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner.

8. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the bail bonds of the opposite party no. 2, in connection with Revilganj P.S. Case No. 116 of 2015, is hereby cancelled.

9. Let a copy of this order be sent to the Superintendent of Police, Chapra for further action.

(Satyavrat Verma, J)

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