

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52265 of 2023

Arising Out of PS. Case No.-20 Year-2018 Thana- MAHILA P.S. District- Patna

Soni Kumari Wife Of Vishal Kumar R/O Lal Bungalow, 81 Flast Eb 51,
Jamaboda, P.S.- Jora, Pokhar, District- Dhanbad Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vishal Kumar Son Of Shri Vijay Narayan Singh R/O C/O Mr. Ramesh Prasad Advocate, Rajendra Nagar, Road No. 12, Teus Kothi, Near Mithila ,BHAWAN Ps- Kadamkuan, Distt-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajat Kumar Tiwary

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-04-2024 1. Heard learned counsel for the petitioner and
learned APP.

2. The learned counsel for the petitioner submits that
the instant application has been filed seeking cancellation of
anticipatory bail granted to the OP No. 2 by an order dated 8-2-
2019 in Cr. Misc No. 37220 of 2018.

3. It is next submitted that provisional anticipatory
bail granted to the OP No. 2 herein was with certain condition. It
is next submitted that the order dated 8-2-2019 in Cr. Misc No.
37220 of 2018 records :- "The provisional bail of the petitioner
will be confirmed by the learned court below in three
eventualities (i) if the matrimonial harmony is substantially
restored, or (ii) if the informant fails to appear before the



learned court below, or (iii) if the informant gets reluctant to reconcile the issue."

4. The learned counsel appearing on behalf of the petitioner, who was OP No. 2 in Cr. Misc No. 37220 of 2018, submits that neither the matrimonial harmony got restored and despite the fact that petitioner (OP No. 2 in Cr. Misc No. 37220 of 2018) appeared before the learned court below and showed her willingness to restitute her conjugal rights but still OP No. 2 herein was not ready to restitute his conjugal rights, nor was appearing on the date fixed before the learned trial court but is still roaming free on provisional anticipatory bail and the learned trial court is sitting idle.

5. The learned counsel for the petitioner further submits that the OP No. 2 herein before the learned trial court very wisely showed his keenness and interest to take back the petitioner and the child to his place of posting at Kuwait but then subsequently he left the petitioner and child in lurch and the petitioner still, along with the child, is staying at her parental home in absence of any financial support.

6. The learned APP, Mr. Binod Kumar, submits that the petitioner ought to have moved before the learned trial court bringing to its notice the aforesaid facts as recorded hereinabove



so that the learned trial court would have applied its independent mind and would have acted in consonance with the order dated 8-02-2019 in Cr. Misc No. 37220 of 2018. It is thus submitted that it appears that the petitioner has rushed to this court without moving the learned trial court for seeking the appropriate relief. It is also submitted by the learned APP that the instant application has been filed seeking cancellation of anticipatory bail granted to the OP No. 2 by order dated 8-02-2019 in Cr. Misc No. 37220 of 2018 when the OP No. 2 herein was granted provisional anticipatory bail.

7. At this stage, the learned counsel appearing on the behalf of the petitioner seeks permission to withdraw the cancellation application to move before the learned trial court for seeking an appropriate relief.

8. In view of the submission made by the learned APP, the court is not inclined to entertain the present application as such, the instant application is disposed of with a direction to the petitioner to move before the learned trial court for seeking appropriate relief.

(Satyavrat Verma, J)

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