

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3164 of 2025

Arising Out of PS. Case No.-364 Year-2022 Thana- COMPLAINT CASE District- Supaul

Rambha Devi @ Rambha Kumari Wife of Bauaan Lal Pandit and D/O- Shiv Narayan Pandit Resident of Village- Bishanpur Shivram, P.S.- Balia Bazar (Birpur), District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bauaalal Pandit @ Bauaa Kumar Pandit Son of Chedi Pandit Resident of Village- Bishanpur Shivram, P.S.- Balia Bazar (Birpur), District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the O.P. No. 2	:	Mr. Ashok Kumar Mishra, Advocate
		Ms. Pratibha Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 11-12-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. This Cr. Misc. petition has been filed to cancel the bail of the O.P. No. 2 in Complaint Case No. 364C of 2022 instituted under Section 498A of the Indian Penal Code and Section 3/4 of the D.P. Act, which was granted by a Co-ordinate Bench of this Court *vide* order dated 04.12.2024 in Cr. Misc. No. 80958 of 2024.

3. Learned counsel for the petitioner submits that O.P. No. 2 in the *panchayati* admitted that he will maintain the relation of marital life with the petitioner. He further submits



that Matrimonial Case No. 16 of 2021 was dismissed on 19.10.2024 but the said fact was not disclosed before this Hon'ble Court at the time of bail. Learned counsel submits that O.P. No. 2 has two criminal antecedents but he has disclosed only one criminal antecedent and as such the same is sufficient ground for cancellation of bail. Learned counsel, therefore, prayed that the bail granted earlier to O.P. No. 2 be cancelled and he may be taken into custody.

4. Learned A.P.P. for the State and learned counsel for the O.P. No. 2 opposed and submitted that at the time of alleged marriage, O.P. No. 2 was minor and no marriage was solemnized between the parties. Earlier also, F.I.R. bearing Birpur P.S. Case No. 38 of 2021 was lodged against O.P. No. 2 in which O.P. No. 2 has already been acquitted. They further submitted that on merit, this Hon'ble Court has granted anticipatory bail to the O.P. No. 2 and there is no ground made out by the petitioner to cancel the bail of the O.P. No. 2 and there is no allegation against O.P. No. 2 that he misuse the liberty.

5. It is well-settled that cancellation of bail requires a demonstrable instance of misuse of liberty, such as tampering with the evidence, threatening witnesses, or obstructing the



investigation, none of which has been alleged or substantiated in the present case. It cannot be said that the order of grant of bail is illegal or perverse.

6. Considering the facts and circumstances of the case and submissions made by learned counsel for the parties, this Court is not inclined to cancel the bail of the O.P. No. 2 at this stage. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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