

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7525 of 2024

Arising Out of PS. Case No.-58 Year-2020 Thana- RUPASPUR District- Patna

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Anand Tanuja W/o Kamala Kant Prasad R/o Mohalla - Lav Kush Nagar, Road
No. 2, Ward no. 37, P.S. - Rupaspur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamala Kant Prasad Son of Late Vishwnath Prasad R/o vill - Chndrapura,
P.O. - Hathilpura, P.S. - Brahampur, Distt. - Buxar, Bihar Pin Code - 802130,
At present C Block 303, DGP Office, Patna, Bihar 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Ms. Alka Verma, Advocate Ms Mira Kumari, Advocate
For the Opposite Party/s :		Mr. Anish Chandra, APP
For the O.P. No.2	:	Mr. Santosh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

12 19-09-2025 Heard learned senior counsel for the petitioner,

learned counsel for the O.P. No.2 and learned A.P.P. for the

State.

2. This application has been filed for cancellation of

bail of opposite party no.2, namely, Kamala Kant Prasad who

has been granted bail by this Court vide order dated 04.09.2023

passed in Cr. Misc. No.21964 of 2022 in connection with

Rupaspur P.S. Case No.58 of 2020 registered under Sections

341, 323, 307, 498A, 504, 506/34 of the I.P.C. on the ground

that opposite party no.2 has not paid the loan amount of

H.D.F.C. Bank and has violated the undertaking given before



this Court while granting anticipatory bail to him.

3. To resolve the matrimonial dispute between the parties, on the prayer of the parties, this case was referred to the Patna High Court Mediation and Conciliation Centre but in the said proceeding, the dispute between the parties has not been settled.

4. Learned counsel for the petitioner/wife submits that opposite party no.2/husband was granted bail by this Court vide order dated 04.09.2023. The O.P. No.2 had given undertaking that he will pay his wife Rs.25,000/- per month after revocation of suspension and on receiving of his regular salary and Rs.12,500/- per month out of subsistence allowance during suspension period. Further undertaking was made to the effect that he will pay the entire loan amount of the house situated at Gola road. Opposite party no.2 after revocation of suspension is drawing regular salary since 01.04.2025 and he is in full capacity to regularize the loan account of the bank but he has not taken steps in this regard. Petitioner has got e-mail from the concerned bank that her outstanding dues is Rs.6,73,882/- in loan account no.628308479 and Rs.5,37,445/- in loan account no. 628308486 and both accounts have not yet been regularized and continued to remain in N.P.A. category. The bank is now on



the verge of issuing possession notice under Section 13(4) of the SARFAESI Act to the borrower. It is, therefore, submitted that since the petitioner has violated his undertaking, the bail granted to opposite party no.2 is liable to be cancelled.

5. Learned counsel for opposite party no.2 vehemently opposed the prayer for cancellation of bail by contending that O.P. No.2 is complying with the undertaking and has not violated any condition, as alleged. He is continuously paying the monthly amount and has paid Rs.12,500/- to the petitioner from his subsistence allowance and paid the entire outstanding amount for the period in which O.P. No.2 was in jail. O.P. No.2 with his wife took two loans. First loan having account no.628308479 is House Loan of Rs.19,95,000/- and fixed EMI is Rs.17,709/- and he has started payment of EMI w.e.f. 07.02.2025 and also paid a sum of Rs.50,000/- in this account to clear the default amount. Another Loan Account No.628308486 is a top-up loan of Rs.15 lakhs and the EMI is Rs.14,684/- in which O.P. No.2 is paying Rs.14,700/- from 07.02.2025 and also deposited Rs.50,000/- to clear the default amount and took all possible steps to save the house and is in regular contact of bank authority and paying EMI. Further it is submitted that petitioner has already joined as



Ad-hoc Assistant Professor in Patna University having handsome salary. It is also submitted that O.P. No.2 shall pay the outstanding amount of the said bank loan accounts in due course with consultation of bank authority.

6. Having considered the facts and circumstances of the case as well as the submissions of learned counsel for the parties, this Court does not find any good ground to cancel the bail granted to opposite party no.2.

7. Accordingly, criminal miscellaneous application is disposed of.

(Sunil Dutta Mishra, J)

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