

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8706 of 2023

Arising Out of PS. Case No.-28 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Surabhi Kumari S/o Sri Raju Kumar Sah, D/o Sri Binod Kumar @ Vinod Kumar, Resident of Village- Lauriya, Mishra Tola, P.S.- Lauriya, District- West Champaran, At present, Village- Chanpatia, Ward No.- 07, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raju Kumar Sah S/o Sri Surendra Prasad Sah @ Surendra Sah, Resident of Village- Lauriya Mishra Tola, P.S.- Lauriya, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.
For the Opposite Party/s : Mr. Kalyan Shankar, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present Cr. Misc. Application has been filed by the petitioner for cancellation of provisional anticipatory bail granted by the Co-ordinate Bench of this Court *vide* order dated 06.12.2018 passed in Cr. Misc. No.70116 of 2018 arising out of Complaint Case No. 28-C of 2018 which was confirmed by the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran on 28.03.2019.

3. Learned counsel for the petitioner submits that *vide* impugned order dated 06.12.2018, the provisional anticipatory



bail of opposite party no.2/husband was granted and it was directed that provisional anticipatory bail of opposite party no.2 will be confirmed by the learned Court concerned in three eventualities (i) If the matrimonial harmony is substantially restored, or (ii) If the complainant fails to appear before the learned Court below, or (iii) If the complainant gets reluctant to reconcile the issue.

4. From the order dated 28.03.2019 passed by the learned Trial Court it appears that the provisional anticipatory bail of opposite party no.2 was confirmed. It is stated therein that both the parties are living their life happily and the petitioner has no objection for confirmation of provisional anticipatory bail.

5. Learned counsel for the petitioner submits that the opposite party no.2 willfully and deliberately flouted the condition laid by the Hon'ble Court and has shown his callous attitude towards his wife and child. The petitioner wants to lead her happy conjugal life with the opposite party no.2 but the opposite party no.2 is avoiding the same due to which the petitioner filed the cancellation of bail of opposite party no.2 before the learned Trial Court. The learned Trial Court in its order dated 19.09.2022 recorded that the complainant/petitioner



has not produced any cogent material or papers in support of her contention that petitioner has misused his bail or threaten the witnesses, tampered with the evidence or hampered the further proceeding of the Court. It is further stated that in the case in hand neither any threat has been given to the witnesses by the accused persons nor they tampered with the evidences of the case and on those grounds and facts and circumstances of the case, the cancellation of bail petition filed on behalf of petitioner was rejected by the learned Trial Court.

6. In the present case, the marriage between the complainant/ petitioner and opposite party no.2 was performed on 04.12.2015 and it is alleged by the complainant that she was tortured by opposite party no.2 and his family members for non-fulfillment of the dowry demand, a cognizance by the learned Court concerned was taken under Section 498(A) of I.P.C. and Section 4 of Dowry Prohibition Act against opposite party no.2. The opposite party no.2 had filed Matrimonial Suit No.817 of 2017 for restitution of conjugal rights whereas the complainant/petitioner had filed Maintenance Case No.16M of 2018. It appears that both the parties started leading their conjugal life and then the provisional anticipatory bail was confirmed. If any further dispute arises between the parties and



they want to settle their dispute by mediation/conciliation proceeding, they can request the Court concerned in this regard.

7. Learned A.P.P. for the State also submits that before the learned Trial Court both the parties have liberty to take steps to resolve their matrimonial dispute through the process of mediation/conciliation.

8. In view of the aforesaid facts and circumstances, this Court finds no merit in the present petition. Accordingly, the present Cr. Misc. Application stands dismissed.

9. However, both the parties have liberty to take steps before the learned Trial Court to resolve their matrimonial disputes through mediation/conciliation proceedings, in accordance with law.

(Sunil Dutta Mishra, J)

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