

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9590 of 2024

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA PS District- Jehanabad

Sajreen Parveen W/O Md. Shahnawaz Ahmed R/O Mohalla- Badi Dargah,
Mithai Dukaan, Bihar Sharif, P.S- Bihar Sharif, Distt.- Nalanda, At Present
Resident At- Fida Hussain Road, New-Mohalla, Jehanabad, P.S- Jehanabad,
Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Shahnawaz Ahmed S/O Late Niyaz Ahmed @ Musum Marhum Ahmed
R/O At Mohalla- Badi Dargah, Mithai Dukaan Bihar Sharif, P.S- Bihar
Sharif, Dist.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hasnain Haider, Advocate
		Mr. Azhar Hussain, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 16-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This Cr. Misc. petition has been filed to cancel the
bail of O.P. No. 2 granted by a Coordinate Bench of this Court
vide order dated 18.12.2023 in Cr. Misc. No.56145 of 2023 in
connection with Jehanabad Mahila P.S. Case No.08 of 2023.

3. Learned counsel for the petitioner submits that O.P.
No. 2 was granted anticipatory bail by a Coordinate Bench of
this Court considering that he would keep his wife (petitioner
here) with full honour and dignity and the wife is also ready to
live with him but after getting anticipatory bail, O.P. No.2



assaulted the petitioner and failed to comply with his undertaking and the petitioner had presented the petition before the authorities but no action has been taken. It is also submitted that it is a complete violation of order granting anticipatory bail to O.P. No.2 by this Court which is liable to be cancelled in the interest of justice and he may be taken into custody.

4. Learned A.P.P. for the State opposed and submitted that on merit, this Hon'ble Court has granted anticipatory bail to O.P. No. 2 who is husband of the petitioner and both the parties were ready to live together and there is no ground made out by the petitioner to cancel the bail of O.P. No. 2. If matrimonial dispute has not been resolved, the Court cannot force the parties to the same and the parties have other remedies in law.

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. In matrimonial dispute, the parties can take steps for mediation/conciliation.

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 O.P. No. 2 at this stage. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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