

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21126 of 2023

Arising Out of PS. Case No.-69 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Mamta Kumari @ Mamta Devi W/o Chandra Bhusan Kumar, D/o Manoj Kumar, R/o Village- Afim Kothi, Majhouwa, P.S- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Bhushan Kumar S/o Ashok Kumar @ Jhulan R/o Village- Samardah, P.S- Bihiya, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate.
For the State	:	Mr. Gauri Shankar Gupta, A.P.P.
For the O.P. No.2	:	Mr. Fahad Khurshid, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 09-12-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the Opposite Party No.2.

2. The present Cr. Misc. Application has been filed to cancel the anticipatory bail of the O.P. No. 2 which was granted by Co-ordinate Bench of this Court *vide* order dated 05.04.2019 in Cr. Misc. No.7853 of 2019.

3. Learned counsel for the petitioner submits that on the submission of O.P. No.2 that he is ready to keep the petitioner-wife, the bail was granted to O.P. No.2 but the he had not fulfilled his undertaking. Accordingly, learned counsel prays to cancel the anticipatory bail granted by this Court *vide* order



dated 05.04.2019 passed in Cr. Misc. No.7853 of 2019. Learned counsel further submits that O.P. No.2 is not even paying the amount of interim maintenance to the petitioner which was passed on 18.10.2023 in the Maintenance Case No.117 of 2022.

4. Learned counsel for the Opposite Party No.2 submits that no compromise taken place between the parties and the O.P. No.2 had already filed the Maintenance Case No.117 of 2022 which is pending in the Court of learned Principal Judge, Family Court, Ara. He further submits that final order of maintenance to the petitioner has already been passed and finally the Court has decided to grant Rs.5,000/- per month to the petitioner as interim maintenance. Learned counsel for the O.P. No.2 submits that he is ready to make the payment of maintenance including the arrears of maintenance, if any, before the learned Trial Court.

5. Learned A.P.P. for the State opposed and submitted that no ground is made out by the petitioner to cancel the bail of the O.P. No.2. He further submits that failure to take petitioner back to her matrimonial home falls within the realm of personal and civil obligations for which the petitioner has appropriate remedies under relevant laws.

6. Law 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 substantiated in the present case. In absence of any cogent proof of such abuse, the settled principle of law mandates that the bail order ought not be interfered with.

7. Considering the facts and circumstances of the case and submissions made by learned counsel for the parties, it cannot be said that there is any illegality in the order dated 05.04.2019 passed by Co-ordinate Bench of this Court. Therefore, no case is made out for cancellation of bail of O.P. No.2 at this stage.

8. Accordingly, the present Cr. Misc. Application stands dismissed.

(Sunil Dutta Mishra, J)

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