

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24492 of 2024

Arising Out of PS. Case No.-52 Year-2019 Thana- MAHILA PS District- Darbhanga

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KUMARI AARTI W/O SRI SANJAY KUMAR JHA R/O VILLAGE-
MACHHAITA, P.S- SAKATPUR, DISTT.- DARBHANGA, D/O ANIL
CHOUDHRY, RESIDENT OF VILLAGE- NADIYAMI, P.S- SAKATPUR,
DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SANJAY KUMAR JHA S/O RAM UDAR JHA R/O VILLAGE-
MACHHAITA, P.S- SAKATPUR, DISTT.- DARBHANGA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad
For the O.P. No. 2	:	Mr. Gautam Shah
		Mr. Kumar Navinam
		Mr. Rajeev Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 25-07-2025 1. Heard learned counsel for the petitioner, learned
APP for the State, Mr. Chandra Bhushan Prasad and the
learned counsel appearing on behalf of the O.P. No. 2.
2. The learned counsel appearing on behalf of the
petitioner herein submits that O.P. No. 2 herein was granted
privilege of anticipatory bail by an order dated 11.07.2023 in
Criminal Miscellaneous No. 39069 of 2022. It is next
submitted that the O.P. No. 2 herein is husband of the
petitioner herein and had agreed for paying a maintenance of



an amount of Rs. 8,000/- per month with effect from 28.07.2023. It is next submitted that liberty was granted to the petitioner herein, who is wife of O.P. No. 2 herein to file an application seeking cancellation of anticipatory bail granted to the O.P. No. 2 herein, in the event if the O.P. No. 2 herein for two consecutive months does not credit the amount as agreed in the account of the petitioner herein, till a Court of competent jurisdiction does not fix the amount of maintenance.

3. The learned counsel for the petitioner next submits that after 11.07.2023, O.P. No. 2 herein paid an amount of Rs. 16,000/- only to the petitioner herein.

4. It is next submitted that O.P. No. 2, after the order dated 11.07.2023 in Criminal Miscellaneous No. 39069 of 2022, has only paid an amount of Rs. 16,000/- to the petitioner herein by way of monthly maintenance, thus, has breached the condition of order dated 11.07.2023 in Criminal Miscellaneous No. 39069 of 2022, as such, the instant cancellation application in terms of the liberty granted, has been filed.

5. The learned counsel appearing on behalf of the petitioner next submits that the case was taken up on



11.04.2025 when a specific submission was made by the learned counsel appearing on behalf of the O.P. No. 2 that the amount of maintenance is not being paid to the petitioner herein for the reason that she has performed her second marriage, on which it was submitted that petitioner has not performed her second marriage rather it was O.P. No. 2 who has performed his second marriage with one Riya Sinha. It is next submitted that thereafter the case was taken up on 27.06.2025 when a specific submission was made by the learned counsel appearing on behalf of the O.P. No. 2 herein that petitioner has married Pradeep Kumar Jha son of Ghuran Jha, resident of Village- Banki, P.S.- Madhepur, District- Madhubani and the marriage was solemnized at Shayamaa Mai Temple at Madhweshwar Nagar, P.S.-University, District- Darbhanga. It is submitted that the said submission of the learned counsel appearing on behalf of the O.P. No. 2 was rebutted by the learned counsel appearing on behalf of the petitioner, on the ground that petitioner has not performed her second marriage and is staying with her father at her parental home, on which the learned counsel appearing on behalf of the O.P. No. 2 submitted that an inquiry be directed so that it can be verified that the petitioner herein had performed her



second marriage. The learned counsel submits that accordingly this Court based on the assertion made by the learned counsel appearing on behalf of the O.P. No. 2 directed the Superintendent of Police/ Officer-in-Charge of P.S. Madhepur to verify and to submit a counter affidavit that as to whether petitioner has performed her second marriage or not with Pradeep Kumar Jha.

6. The learned counsel for the petitioner submits that the O.P. No. 2 herein had also asserted and submitted that in the event if it is found that petitioner has not performed her second marriage in that event he is willing to face another criminal prosecution for misleading the Court.

7. The learned APP for the State, Mr. Chandra Bhushan Prasad, submits that a counter affidavit on behalf of the Superintendent of Police, Madhubani is being filed. The same is taken on record. It is next submitted that copy of the counter affidavit has been served on the learned counsel appearing on behalf of the petitioner and the O.P. No. 2, wherein it has been specifically pleaded at Para-4 that petitioner herein has not performed her second marriage, rather Pradeep Kumar Jha was married to Seema Devi daughter of Pawan Jha, resident of Village-Tardiha, P.S.-



Madhepur on 05.06.2011 and were living at Chandigarh, further Seema Devi died and thereafter Pradeep Jha performed his second marriage with Rani Choudhary daughter of Naresh Jha resident of Village- Kishangarh, District-Chandigarh on 12.06.2024 at Maa Shyama Mandir Religious Trust Darbhanga, District-Darbhanga and in support of the same, marriage certificate has been annexed as Annexure- A series to the counter affidavit filed on behalf of the Superintendent of Police, Madhubani.

8. The learned counsel appearing on behalf of the O.P. No. 2 is not in a position to rebut the submission made by the learned counsel appearing on behalf of the petitioner herein and the learned APP for the State and submits that based on misinformation the said submission was made when O.P. No. 2 had no intention of misleading the Court.

9. After hearing the learned counsel for the parties and taking into consideration the averments made in the counter affidavit filed on behalf of the Superintendent of Police, Madhubani, **the instant cancellation application is allowed** and the anticipatory bail granted to the O.P. No. 2 herein by an order dated 11.07.2023 in Criminal Miscellaneous No. 39069 of 2022, **is hereby cancelled.**



10. Let a copy of this order be sent to the
Superintendent of Police, Darbhanga for necessary action.

(Satyavrat Verma, J)

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