

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41989 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- ISLAMPUR District- Nalanda

Phool Kumari W/O Jitendra Kumar @ Jittan R/O Village- Kapasia, P.S-
Islampur, Distt.- Nalanda. At Present Residing At Milki Mahuari, P.S-
Islampur, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar @ Jittan S/O Krishna Ravidas R/O Village- Kapasia, P.S-
Islampur, Distt.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-11-2025 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 the O.P. No. 2 which was granted by a Co-ordinate
Bench of this Court *vide* order dated 19.03.2024 in Cr. Misc.
No. 68876 of 2023.

3. Learned counsel for the petitioner submits that
despite being enlarged on bail u/s 498A of I.P.C., the O.P. No. 2
failed to fulfill even the basic obligations expected from him
and has continued to neglect the petitioner and their two sons.
He further submits that such continuous neglect and refusal to
resume co-habitation explicitly shows that the O.P. No. 2 is



misusing the liberty awarded to him and is acting in a manner contrary to the spirit in which bail was granted earlier. Therefore, the bail of the O.P. No. 2 shall be cancelled.

4. 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. 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 is further submitted 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.

5. 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 the O.P. No. 2. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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