

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37175 of 2025

Arising Out of PS. Case No.-64 Year-2019 Thana- MAHILA PS District- Darbhanga

Sangeeta Devi W/O Rambabu Paswan Resident of Village- Jamalpur, Kodai, Ward No. 5, Gangia Urf Parmanandpur, P.S- Gayaghat, Distt.- Muzaffarpur, at present D/O Sundeshwar Paswan, R/O Village- Hanuman Nagar, Harpur, P.S- Simri, Distt.- Darbhanga, Bihar- 847106.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Babu Paswan S/O Late Ram Pukar Paswan R/O Village- Dih Kodai, P.S- Gayaghat, Distt.- Muzaffarpur, Bihar- 843321.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-11-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The learned counsel appearing on behalf of the petitioner submits that the instant cancellation application was taken up on 04.07.2025, when notices were issued on the O.P. No.2 by both modes. It is submitted that from perusal of the office report dated 27.11.2025, it would manifest that the process server reported that O.P. No.2 not met, however his mother refused to receive the notice.

3. Learned counsel appearing on behalf of the petitioner submits that deliberately the O.P. No.2 is evading notice. It is submitted that since the mother of the O.P. No.2 also



refused to receive the notice, as such, it is deemed to be validly served.

4. The Court concurs with the submission of the learned counsel appearing on behalf of the petitioner.

5. The learned counsel for the petitioner next submits that O.P. No.2, herein, had approached this Court, seeking anticipatory bail by filing Cr. Misc. No.44159 of 2022, in which, petitioner, herein, was O.P. No.2. It is further submitted that Cr. Misc. No.44159 of 2022 was allowed by an order dated 07.07.2023, as the petitioner in Cr. Misc. No.44159 of 2022 had agreed to pay a monthly maintenance of Rs.6000/- to the petitioner, herein, and the children. It is next submitted that petitioner, herein as O.P. No.2 in Cr. Misc. No.44159 of 2022 was given liberty to file an application seeking cancellation of the anticipatory bail granted to the O.P. No.2, herein, does not deposit the amount of maintenance as agreed. It is submitted that O.P. No.2, herein since January, 2024 till date has not given a single penny as such the instant cancellation application has been filed seeking cancellation of the anticipatory bail granted to the O.P. No.2 in Cr. Misc. No.44159 of 2022 by an order dated 07.07.2023.

6. It is submitted that the O.P. No.2 is evading notice



that amply demonstrates that he has no intention to comply with the order of the Court.

7. The learned APP is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner.

8. After hearing the learned counsel appearing on behalf of the petitioner and the learned APP, the Court concurs with the submissions of the learned counsel appearing on behalf of the petitioner and thus the order dated 07.07.2023 in Cr. Misc. No.44159 of 2022, whereby O.P. No.2 herein (Ram Babu Paswan) was granted anticipatory bail is hereby **cancelled**.

9. The cancellation application is accordingly allowed.

(Satyavrat Verma, J)

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