

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40952 of 2025

Arising Out of PS. Case No.-18 Year-2023 Thana- MAHILA PS District- Jehanabad

Kumari Samprada, (Female), aged about 29 years, wife of Prashant Kaundiliya @ Prashant Kaudiliya, daughter of Shailendra Sharma, resident of Mohalla- Near Usha Marriage Hall, Jehanabad, P.O and P.S.- Jehanabad, District Jehanabad, Pin- 804408.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prashant Kaundiliya @ Prashant Kaudiliya, aged about __ years, (Male), son of Pankaj Sharma, resident of Mohalla- South Daulatpur, P.S- Jehanabad, Distt.- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ved Prakash Chandan, Advocate
For the State	:	Mr. Amitesh Kumar, APP
For the OP No.2	:	Mr. Mukesh Kumar No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 19-09-2025 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State and learned counsel for the opposite party no.2.

2. This application has been filed for cancellation of the bail granted to the opposite party no.2 by order dated 09.08.2024 passed by this Court in Cr. Misc. No.5752 of 2024 in Jehanabad (Mahila) PS Case No.18 of 2023 on the condition that he will pay a sum of rupees eight thousand per month to the petitioner, who is the wife of the opposite party no.2, as living expenses on the ground that the petitioner has violated the order and has not paid the living expenses since March, 2025.



3. Learned counsel for the petitioner submits that opposite party no.2 was granted privilege of anticipatory bail by order dated 09.08.2024 passed in Cr. Misc. No.5752 of 2024, subject to payment of rupees eight thousand per month to the petitioner, who is the wife of the opposite party no.2, as living expenses. Further submission is that the petitioner has deposited rupees eight thousand in the account of the petitioner in the month of September, 2024, which was in time, and thereafter he has deliberately made payment from the month of October, 2024 to February, 2025, in irregular manner and thereafter he stopped making payment of single penny in the account of the petitioner. It is prayed that the anticipatory bail granted to the petitioner by order dated 09.08.2024 passed in Cr. Misc. No.5752 of 2024 be cancelled since the petitioner has violated the order of this Court.

4. Learned counsel for the opposite party no.2 has filed a counter affidavit in this case. It has been submitted by learned counsel for the opposite party no.2 that there is no violation of the order by the opposite party no.2 as alleged by the petitioner. Some delay has been caused in payment of living expenses as directed by this Court but the same has occurred due to situation beyond the control of the petitioner. Petitioner



has paid the living expenses up to the month of July, 2025, and for the remaining months i.e., for the month of August & September, 2025, the same shall be credited in the account of the petitioner very soon. Learned counsel for the opposite party no.2 further submits that the sister of the petitioner, namely, Shikha Priyadarshini, is suffering from acute kidney disease and her treatment is going on in PGIMER, Chandigarh, and the doctor has advised her for kidney transplant but the same has not been done on account of non-availability of the donor. The treatment is very expensive. Due to illness of sister of the opposite party no.2, the parents of the opposite party no.2 as well as opposite party no.2 himself are in acute financial crisis owing to which there has been some delay in crediting the amount of living expenses in the account of the petitioner. The situation is beyond the control of the opposite party no.2, in spite of that, he is trying to pay the living expenses as directed by this Court. Further submission is that the petitioner is still living in the house of the petitioner, which is the self acquired property of his father, whereas, his sister is struggling for life in Hospital at Chandigarh. The petitioner is fully aware of the financial condition of the opposite party no.2 and his family owing to illness of his sister, still she has filed this application



for cancellation of bail of the opposite party no.2.

5. Learned APP submits that in the peculiar facts and circumstances of the case the Court may pass appropriate order.

6. The aforesaid pleadings of the opposite party no.2 has not been controverted by learned counsel for the petitioner.

7. Having regard to the facts and circumstances of the case, this Court finds that no case for cancellation of bail of the opposite party no.2 is made out in the peculiar facts and circumstances of the case.

8. Accordingly, this application is dismissed having no merit in it.

9. However, the opposite party no.2 shall make all endeavour to make payment of living expenses to the petitioner in time.

(Khatim Reza, J)

J. Alam/-

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