

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58625 of 2025

Arising Out of PS. Case No.-9282 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Nutan Tripathi @ Nutan Madannath Tripathi D/O Madannath Tripathi W/O
Saurabh Kumar @ Saurav Kumar, R/O 1st Floor, Maa Vindeshwari Bhawan,
Atal Vihar Colony, Near Bishop Scott Girls School, Jaganpura, Patna-
800027.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saurabh Kumar @ Saurav Kumar S/O Abhinandan Prasad Singh @
Avinandan Singh R/O House No. 54, Ward No. 22, Manik Sarkar Chowk,
Near Bebu Lal Sweets, Jagdishpur, P.S- Adampur, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Nutan Tripathi, In-person
For the State	:	Ms. Renu Kumari, APP
For the OP no. 2	:	Mr. Praveen Kumar, Advocate Ms. Anju Kumari Sinha, Advocate Mr. Drishti Mohan, Advocate Mr. Rakesh Bihari Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 05-12-2025 Heard the petitioner-in-person, learned APP for the

State and learned counsel for the opposite party no. 2.

2. The petitioner has filed the instant application for
cancelling the bail granted to the opposite party no. 2 vide order
dated 5.6.2025 passed in Cr. Misc. no. 36269 of 2025.



3. The relevant facts in brief are that an FIR being Ramkrishna Nagar P.S. Case no. 439 of 2022 was registered by the petitioner on 19.8.2022. On investigation, finding the case to be false, final form was submitted not sending up the opposite party no. 2. On a protest having been filed by the petitioner on 6.9.2022, the same was registered as Complaint Case no. 9282 of 2023. On inquiry being conducted, cognizance was taken in the case.

4. The opposite party no. 2 moved this Court in Cr. Misc. no. 36269 of 2025 for grant of anticipatory bail in connection with Complaint Case no. 9282(C) of 2023 under sections 498A, 326, 341 and 506 of the Indian Penal Code.

5. Taking into consideration the allegations in the complaint, the history of litigation between the parties according to which Matrimonial Case no. 236 of 2022 was filed on 27.6.2022 by the opposite party no. 2 and the nature of allegation arising out of a matrimonial dispute, by order dated 5.6.2025 the opposite party no. 2 was directed to be enlarged on bail in connection with Complaint Case no. 9282(C) of 2023 on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each.

6. Being aggrieved by grant of bail by this order that



the petitioner has filed this application praying for cancellation of bail granted to the opposite party no. 2.

7. It is submitted by the petitioner-in-person that prior to grant of bail to the opposite party no. 2, one Rupesh Kumar, who happens to be a witness in Complaint Case no. 9282(C) of 2023 filed a petition on 9.5.2025 which was registered as Sanha Application no. 2118 of 2025 in the Court of the learned Chief Judicial Magistrate, Bhagalpur stating about the misdeeds of the opposite party no. 2. It was further submitted that even after grant of anticipatory bail, the opposite party no. 2 has started creating many kind of disturbances in the day to day life of the petitioner. Even in the FIR being Ramkrishna Nagar P.S. Case no. 439 of 2022, the Investigating Officer was acting at the behest of her husband i.e. the opposite party no. 2 and submitted final form on 31.3.2023. However, as the petitioner had filed a protest-cum-complaint petition on 6.9.2022 itself expressing her apprehensions against the Investigating Officer that the protest was treated as a complaint and the Court proceeded and took cognizance in the matter.

8. The petitioner-in-person further submitted that on her approaching the Inspector General of Police, Central Range, Patna, he reviewed the investigation and was of the view that



the investigation was not conducted properly. It is submitted that the complaint case is not a counter blast of the matrimonial case. The opposite party no. 2 has been using his power and money to affect the investigation which is evident from the fact that final form was submitted in the FIR lodged by the petitioner without any investigation.

9. In view of the facts and circumstances stated herein above, it was submitted by the petitioner-in-person that the petitioner who is not a resident of Bihar has been living here with her two children. She has not filed any case for maintenance nor has demanded anything from her estranged husband. In view of the facts and circumstances, the petitioner prayed that the Court may interfere in the matter and cancel the privilege of anticipatory bail granted to the opposite party no. 2 for the ends of justice.

10. The application is opposed by learned counsel appearing for the opposite party no. 2. It is submitted that the submissions made on behalf of the opposite party no. 2 by his counsel has been noted by the Court in paragraph no. 4 of the order dated 5.6.2025. Neither the petitioner has been able to point out any error nor any misleading or inaccurate statement which lead to grant of bail to the opposite party no. 2. No



witness has been threatened or influenced nor any evidence tampered with subsequent to the grant of bail by this Court. It is submitted that the petitioner has not made out any case for cancellation of the bail granted to the opposite party no. 2. As such, the instant application be dismissed.

11. Heard the parties and perused the material on record.

12. The relevant facts in brief are that in connection with the FIR registered by the petitioner against the opposite party no. 2, the investigation proceeded. In the meantime, a protest-cum-complaint petition was filed by the petitioner. In the investigation into the allegations levelled in the FIR, final form came to be submitted. The learned Court below treating the protest-cum-complaint petition to be a complaint, started an inquiry wherein cognizance was taken against the opposite party no. 2 as a result of which the opposite party no. 2 moved this Court for grant of anticipatory bail in Cr. Misc. no. 36269 of 2025.

13. The application was allowed and by order dated 5.6.2025 passed in Cr. Misc. no. 36269 of 2025, the opposite party no. 2 was directed to be enlarged on bail on surrendering in the learned Court below within a period of four weeks on



furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each. It is against this order that the petitioner has preferred this application for cancellation of bail granted to the opposite party no. 2.

14. Having heard the petitioner-in-person and having perused the contents of the petition, it transpires that besides mentioning about the lack of investigation conducted in the FIR being Ramkrishna Nagar P.S. Case no. 439 of 2022, making allegations against the opposite party no. 2 of using his money and influence to affect the investigation, the Court is of the opinion that the petitioner has not brought on record any material to substantiate her claims. So far as the investigation or lack thereof in connection with the FIR is concerned, final form came to be submitted by the Investigating Officer. The protest petition which was filed by the petitioner in the meantime was treated to be a complaint, an inquiry was started and wherein cognizance has been taken against the opposite party no. 2.

15. It is the taking of cognizance in connection with the Complaint Case no. 9282(C) of 2023 which lead to the opposite party no. 2 moving his application for grant of anticipatory bail wherein by order dated 5.6.2025 passed by this Court in Cr. Misc. no. 36269 of 2025 that anticipatory bail has



been granted. It is the cancellation of grant of bail by this order dated 5.6.2025 that the instant application has been made.

16. In the opinion of the Court, the petitioner has not made out any case for cancellation of bail granted to the opposite party no. 2 by order dated 5.6.2025 passed in Cr. Misc. no. 36269 of 2025 in connection with Patna Complaint Case no. 9282(C) of 2023.

17. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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