

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64632 of 2022

Arising Out of PS. Case No.-3944 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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Gunja Kumari @ Gunja Devi Wife of Manish Kumar, R/o Village-
Sonigram/Mubarakpur, P.S.- Madhaurah, Distt.- Saran, At Present-D/o
Rajkumar Gupta, Village- Jitwarpur, P.S.- Derni, Distt.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manish Kumar @ Manish Kumar Soni Son of Raj Kumar Gupta, R/o
Village- Mubarakpur, P.S.- Madhaurah, Distt.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bablu Kumar, Advocate.
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 09-12-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present Cr. Misc. Application has been filed to
cancel the bail of the O.P. No.2 which was granted by the
learned Additional Sessions Judge-VII, Saran at Chapra *vide*
order dated 03.03.2022 passed in B.P. No.380 of 2022.

3. Learned counsel for the petitioner submits that the
bail was granted to the O.P. No.2 considering the fact that he
may keep the petitioner as wife but O.P. No.2 fails to concile
with the petitioner and not ready to keep the petitioner with him.
Accordingly, learned counsel prays to cancel the bail granted by
learned Additional Sessions Judge-VII, Saran at Chapra. 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 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. He further submits 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. Law 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 substantiated in the present case. In absence of any cogent proof of such abuse, the settled principle of law mandates that the bail order ought not be interfered with.

6. Considering the facts and circumstances of the case and submissions made by learned counsel for the parties, no case is made out for cancellation of bail of O.P. Nos.2 & 3 at this stage.



7. Accordingly, the present Cr. Misc. petition stands
dismissed.

(Sunil Dutta Mishra, J)

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