

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61178 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- MAHILA P.S. District- Samastipur

ANUPAM KUMARI wife of Raju Raj Mohalla- Barah Patthar Ps- Samastipur
Nagar Dist- Samastipur R/o- Rohua West Ps- Warisnagar Dist- Samastipur
Present C/o- Ram Ekbal Pandey Village- Khutwara Ps- Sadar Dist-
Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Raj son of Arun Kumar Sinha Mohalla- Barah Patthar Ps- Samastipur
Nagar, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the State : Mr.Humayou Ahmad Khan
For the Opposite Party No. 2 : Mr. Ramakant Sharma, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 20-03-2025 1. Heard learned Counsel for the petitioner, learned Senior
Counsel for the Opposite Party No. 2 and learned
Additional Public Prosecutor for the State.
2. The present application has been filed for cancellation of
anticipatory bail granted to the Opposite Party No. 2 by
order, dated 27.03.2023, passed in A.B.P. No. 2712 of
2023 by the learned Sessions Judge, Samastipur, in
connection with Mahila Police Station Case No. 58 of
2022, registered for the offences punishable under
Sections 498-A/341/323/504/506/34 of the Indian Penal
Code read with Sections 3 and 4 of the Dowry prohibition
Act.



3. The prosecution case, as per the First Information Report lodged by the petitioner is that the marriage between the informant and Opposite Party No. 2 was solemnized on 06.05.2018. After marriage, she came to her matrimonial home, where the Opposite Party No. 2 demanded a Creta car and due to non-fulfillment of the demand, the Opposite Party No. 2 and his other family members abused the petitioner, assaulted her and also threatened that second marriage of the O.P. No. 2 would be performed. It has further been stated that on 20.06.2018, in the morning, when the petitioner entered into the kitchen for making tea on the instruction of her mother-in-law, she smelt LPG gas in the kitchen, she raised alarm, on which her husband and father-in-law told to lock her in the kitchen and set her on fire. Later on, on hulla made by petitioner, the neighbours arrived there and her life was saved.
4. Learned Counsel for the petitioner submits that after release on anticipatory bail, the Opposite Party No. 2 is continuously violating the privilege of bail granted to him by threatening the petitioner directly or through some people involved in the criminal activities. It is very



difficult, now, for the petitioner to visit Samastipur Civil Court to pursue her case as every time, she is being threatened and the petitioner is feeling hopeless, being a lady.

5. On the other hand, learned Senior Counsel for the Opposite Party No. 2 argues that reckless and vague allegation has been levelled against the Opposite Party No. 2 and the Opposite Party No. 2 is a young practicing lawyer at Civil Court, Samastipur. The Opposite Party No. 2, owing to the cruel behaviour of the petitioner has filed Divorce Case No. 109 of 2021, pending before learned Principal Judge, Family Court, Samastipur. The present First Information Report has been lodged after filing of divorce case, in which the learned Sessions Judge, Samastipur, taking note of the entire facts has granted bail to the Opposite Party No. 2. Referring to the impugned order, learned Senior Counsel submits that the learned Sessions Judge tried to settle the matter between the parties, but the informant/petitioner was not ready to settle the matter. He next submits that the petitioner deserted the Opposite Party No. 2 for more than four years, as mentioned in the impugned order.



6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that no specific instance of misuse of privilege of anticipatory bail has been brought on record by the petitioner and further learned Sessions Judge, while granting anticipatory bail to the petitioner, has taken note of the filing of the divorce case by the Opposite Party No. 2, prior to the lodging of the present First Information Report and further the informant is not ready to settle the dispute, I am not inclined to interfere with the impugned order.
7. This application is, accordingly, dismissed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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