

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77805 of 2024

In
CRIMINAL MISCELLANEOUS No.60202 of 2023

Arising Out of PS. Case No.-1714 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Shailendra Kumar Son of Late Mahabir Prasad Mohalla- Dujra Devi Sthan,
Police Station- Budha Colony, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi @ Reena Kumari Wife of Shailendra Kumar R/O Mohalla-
Musalahpur Chai tola, Chandrabansi Lane, P.S.- Kadam Kuan, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 19-03-2025 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that

the OP No. 2 is his wife and the OP No. 2 had instituted a case

under Section 498A of the IPC read with other sections of the

IPC against the petitioner. It is next submitted that the

petitioner had moved this Court seeking anticipatory bail by

filing Cr. Misc No. 75375 of 2018 and the same was allowed

by an order dated 8-3-2019 by a learned Coordinate Bench and

the petitioner was directed to pay Rs.7,000/- per month to the

complainant from April 2019. It is further submitted that since



the petitioner did not comply with the order dated 8-3-2019 in Cr. Misc No. 75375 of 2018, as such the OP No. 2 herein filed Cr. Misc No. 60202 of 2023 for cancelling the anticipatory bail granted to the petitioner by order dated 8-3-2019 in Cr. Misc No. 75375 of 2018.

3. It is submitted that this Court by order dated 28-8-2024 in Cr. Misc No. 60202 of 2023 cancelled the anticipatory bail of the petitioner, thereafter the instant modification application has been filed for recalling the order dated 28-8-2024 in Cr. Misc No. 60202 of 2023 by which anticipatory bail granted to the petitioner was cancelled, on the ground that petitioner has cleared all the dues of OP No. 2 and is complying the order dated 8-3-2019 in Cr. Misc No. 75375 of 2018.

4. Learned counsel submits that accordingly, notices were issued on OP No. 2. It is next submitted that notices were sent on the address of the OP No. 2 as furnished in Cr. Misc No. 60202 of 2023, but the OP No. 2 deliberately evaded the notice, when she presently is staying at the same address as furnished in Cr. Misc No. 60202 of 2023, which is her parental home, accordingly the petitioner was directed to file a supplementary affidavit bringing on record the fact that OP



No. 2 is still residing on the same address.

5. It is submitted that accordingly the petitioner filed third supplementary affidavit on 25-2-2025, wherein a specific statement was made that on enquiry from the neighbours of the OP No. 2, it transpired that she is still residing at her parental home. It is further submitted that petitioner has also filed first and second supplementary affidavits, wherein he has clearly pleaded that he has cleared the arrears amount due to the OP No. 2, it is also submitted that petitioner is also paying Rs. 7,000/- by way of monthly maintenance in compliance of the order dated 8-3-2019 in Cr. Misc No. 75375 of 2018. In view of specific pleading made in the 3rd supplementary affidavit, the notice is deemed to be validly served on the OP No. 2.

6. It is next submitted that OP No. 2 only to harass the petitioner, is not accepting the notices. It is further submitted that dispute is matrimonial and no useful purpose would be served by sending the petitioner to jail, when petitioner has cleared all the arrears due to the petitioner and is also paying the monthly maintenance regularly.

7. Learned APP fairly submits that since the dispute is matrimonial, a lenient view be taken.

8. After hearing the learned counsel for the parties,



the order dated 28-8-2024 in Cr. Misc No. 60202 of 2023 is hereby recalled, as such the order dated 8-3-2019 in Cr. Misc No. 75375 of 2018, by which the petitioner was granted anticipatory bail, is revived.

(Satyavrat Verma, J)

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