

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82419 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Neela Kumari Wife Of Kundan Kumar Dubey R/O Village- Narihar, P.S.-
Motipur, Dist.- Muzaffarpur, At Present Daughter Of Arun Prasad Singh R/O
Bhagwanpur, Bhamasah Dwar, Sri Ganesh Dutt Nagar, Road No. 4, P.S.-
Sadar, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kundan Kumar Dubey Son Of Ram Naresh Dubey R/O Village- Nariyar,
P.O. Nariyar, P.S.- Motipur, Dist.- Muzaffarpur Pin Code 843111.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-11-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present petition has been filed for cancellation
of provisional anticipatory bail granted to the O.P. No. 2, vide
order dated 27.05.2022 passed in A.B.P. No.1419 of 2022 in
connection with Trial No.3903 of 2023, arising out of Motipur
P.S. Case No. 06 of 2022, by the learned Sessions Judge,
Muzaffarpur.

3. Learned counsel for the petitioner submits that O.P.
No. 2/ husband of the petitioner is not ready to keep his
wife/petitioner with him and his bail bond is liable to be
cancelled. He further submits that learned Trial Court was
directed to watch the conduct of the husband/ O.P. No. 2 and on



being found the same satisfactory, his provisional bail may be confirmed. Further he submits that provisional bail to O.P. No. 2 has not been confirmed till date considering the conduct of the O.P. No. 2. He further submits that the provisional bail granted to O.P. No. 2 may be cancelled.

4. Learned A.P.P. for the State submits that there is no illegality in the said order dated 27.05.2022 granting provisional bail to O.P. No. 2 which requires any interference by this Court and no valid ground for cancellation of the bail granted to O.P. No. 2. It is further submitted 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 the Law.

5. Law is well settled that cancellation of bail is distinct from revocation of an order granting bail. It is not alleged or substantiated in the present case that O.P. No. 2 has tampered the evidence or threatening the witnesses.

6. In view of aforesaid facts and circumstances, the present Criminal Miscellaneous petition stands dismissed.

(Sunil Dutta Mishra, J)

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