

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85415 of 2024

Arising Out of PS. Case No.-2251 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sitara Khatoon @ Sitara Praveen Wife of Mohammad Irshad Khan @ Jhuna Khan, D/o of Samsuddin Khan Resident of village- Koini Khan Tola , P.S- Manjhagarh, Distt.- Gopalganj. At Present Resident of village- Bharthui, P.S- Jiradei, Distt- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohammad Irshad Khan Son of Late Mohammad Imam Khan Resident of village- Koini Khan Tola , P.S- Manjhagarh, Distt.- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.
For the Complainant	:	Mr. Javed Aslam- Advocate
		Ms. Devika Rani- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-04-2025 1. Heard learned counsel for the petitioner (wife), the learned counsel appearing on behalf of the opposite party no.2 (husband) and the learned A.P.P. Sri Chandra Bhushan Prasad for the State.

2. The learned counsel appearing on behalf of the petitioner submits that the instant application seeking cancellation of anticipatory bail granted to the opposite party no.2 by an order dated 23.08.2024 in Cr. Misc. No.59395 of 2024 has been filed by Sitara Khatoon @ Sitara Praveen.

3. It is submitted that petitioner is legally married



wife of opposite party no.2. It is next submitted that opposite party no.2, herein, had filed Cr. Misc. No.59395 of 2024 seeking anticipatory bail. It is next submitted that during the course of argument in Cr. Misc. No.59395 of 2024, a submission was made on behalf of the opposite party no.2, herein, that presently the relationship in between the petitioner (opposite party no.2) and the opposite party no.2 (petitioner herein) has deteriorated to an extent where it is not possible to revive the conjugal relationship, but then, in future the parties may reconcile, as such, no useful purpose would be served by sending the opposite party no.2 to jail, which may mar the chances of future reconciliation. It was also submitted based on instruction that opposite party no.2, herein, is willing to pay a monthly maintenance of Rs.7,000/- to the petitioner herein, which shall commence from 02.09.2024.

4. The learned counsel appearing on behalf of the petitioner, herein, submits that petitioner was given liberty by order dated 23.08.2024 in Cr. Misc. No.59395 of 2024 to file an application seeking cancellation of anticipatory bail granted to the opposite party no.2, herein, in the event, if the amount of maintenance is not paid for two consecutive months.

5. The learned counsel for the petitioner herein, next



submits that the opposite party no.2 herein after being released on anticipatory bail did not pay a single penny to the petitioner herein by way of maintenance which necessitated filing of the instant cancellation application in terms of the liberty granted by order dated 23.08.2024 in Cr. Misc. No.59395 of 2024.

6. The learned counsel appearing on behalf of the opposite party no.2 herein does not dispute the submission made by the learned counsel appearing on behalf of the petitioner herein.

7. On query of the Court from the learned counsel appearing on behalf of the opposite party no.2 herein that from perusal of the order dated 23.08.2024 in Cr. Misc. No.59395 of 2024, it manifests that a submission based on instruction of the opposite party no.2 herein was made that he was willing to pay a monthly maintenance, then why the said maintenance has not been paid, on which the learned counsel appearing on behalf of the opposite party no.2 herein submits that no doubt, he had instruction to make the said submission but opposite party no.2 after being released on anticipatory bail did not pay the amount of maintenance on the ground that he does not have money to pay the maintenance.

8. After hearing the learned counsel appearing on



behalf of the opposite party no.2, it manifests that this Court was misled on the earlier occasion while granting the privilege of anticipatory bail to the opposite party no.2, as such, in view of the submissions made by the learned counsel appearing on behalf of the opposite party no.2 herein, the anticipatory bail granted to the opposite party no.2 herein by an order dated 23.08.2024 in Cr. Misc. No.59395 of 2024 is hereby cancelled.

(Satyavrat Verma, J)

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