

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10419 of 2026**

Arising Out of PS. Case No.-161 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Shobha Devi W/o Gaurav Rai @ Gaurav Kumar @ Gabbar @ Gabbar Rai
D/o Padhan Rai, R/o Village - Marthua, P.S - Bidhan, District - Samastipur, At
present R/o Village - Phulwaria, P.S - Phulwaria, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gaurav Rai @ Gaurav Kumar @ Gabbar @ Gabbar Rai S/o Balo Rai R/o
Village - Marthua, P.S - Bidhan, District - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The instant application has been filed seeking
cancellation of the anticipatory bail granted to the OP No. 2
herein vide order dated 30-4-2024 in Cr Misc No. 3908 of 2023.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 21-4-2026, it would
manifest that OP NO. 2 has refused to accept notice.

4. Since OP No. 2 has refused to accept notice, hence
the notice is deemed to be validly served.

5. Learned counsel for the petitioner submits that OP
No. 2 herein had filed Cr. Misc No. 3908 of 2023 seeking



anticipatory bail, it is next submitted that the dispute was matrimonial and the petitioner herein was impleaded as OP No. 2 in Cr Misc No. 3908 of 2023. It is further submitted that on behalf of the OP No. 2 herein a submission was made in Cr Misc No. 3908 of 2023 that relationship in between the OP No. 2 and petitioner herein has deteriorated to an extent where it is not possible to revive the conjugal relationship, but then with passage of time, the parties may reconcile, it was next submitted that no useful purpose would be served by sending the OP No. 2 to jail as future prospects of reconciliation will also become bleak and OP No. 2 was ready to pay a monthly maintenance of Rs. 4,000/- to the petitioner herein and the child, it was also submitted that OP No. 2 herein is a poor person and is differently abled.

6. Learned counsel for the petitioner next submits that it appears that the OP No. 2 herein as petitioner in Cr Misc No. 3908 of 2023 had given an undertaking that he will pay a monthly maintenance of Rs. 4,000/- to the petitioner herein and the child only with a view to seek anticipatory bail, when after order dated 30-4-2024 in Cr Misc No. 3908 of 2023 only an amount of Rs. 5,000/- (Five Thousand) has been paid. Learned counsel for the petitioner thus submits that a person who



misleads and seeks relief from the Court, should be dealt severely. It is next submitted that OP No. 2 herein has refused to accept notice, which amply demonstrates that he does not intend to appear to put-forth his case.

7. Learned APP fairly submits that when notices were issued on the OP No. 2, the OP No. 2 ought to have appeared, but then from perusal of the office report, it manifests that OP No. 2 has refused to accept notice, which amply demonstrates his conduct.

8. After hearing the learned counsel for the parties, the anticipatory bail granted to the petitioner by order dated 30-4-2024 in Cr Misc No. 3908 of 2023 is hereby cancelled.

(Satyavrat Verma, J)

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