

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16294 of 2025

Arising Out of PS. Case No.-706 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sony Kumari @ Soni Kumari W/o- Anish Kumar @ Anish Kumar Thakur,
D/o- Ramakant Singh Resident of Village - Ward No. 06, Pataura, Tolaa
Mathia, P.S. - Muffasil, District - East Champaran at Present Resident of
Village - Narkatiya, P.O. - Barharwa, Siwan, P.S. - Dhaka, East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anis Kumar @ Anish Kumar Thakur S/o- Kanhaiya Thakur Village- Pataura
Ps- Muffasil Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner submits that
petitioner herein was informant in Criminal Miscellaneous
No.32015 of 2023. It is next submitted that opposite party no.2
herein was petitioner in Criminal Miscellaneous No.32015 of
2023. It is next submitted that petitioner and opposite party no.2
herein are wife and husband. It is further submitted that opposite
party no.2 as petitioner had approached this Court seeking
anticipatory bail by filing Criminal Miscellaneous No.32015 of
2023 and the same came to be allowed by an order dated



14.07.2023 with liberty to the petitioner herein to file an application seeking cancellation of anticipatory bail granted to opposite party no.2 herein, in the event, if opposite party no.2 herein for two consecutive months does not deposit the amount of maintenance, as agreed, in her account.

3. Learned counsel for the petitioner submits that opposite party no.2 before this Court in Criminal Miscellaneous No.32015 of 2023 had made a submission that the relationship in between him and his wife has soured to an extent where it is not possible to resume the conjugal relationship and had also submitted that he will contest the case filed against him but then will maintain the informant and the child by paying a monthly maintenance of Rs.15,000/-. It is next submitted that opposite party no.2 herein after being granted the privilege of anticipatory bail based on his undertaking before this Court that he will pay a monthly maintenance of Rs.15,000/- to his wife and the child is not paying the amount. It is submitted that as of date, an amount of Rs.1,02,000/- is due to be paid by the opposite party no.2 to the petitioner herein.

4. It is further submitted that the case was taken up on 25.11.2025 when notices were issued on opposite party no.2 and the notices were received by the father of opposite party no.2 as



was recorded in the office report dated 19.01.2026. It is next submitted that a jointness application has been filed wherein it has been specifically pleaded that opposite party no.2 herein is residing with his father. Since jointness application has been filed, as such, the notice is deemed to be validly served.

5. Learned counsel for the petitioner submits that opposite party no.2 despite receiving notice chooses not to appear and contest which amply demonstrates that the undertaking given before this Court that he will contest the case but will maintain the petitioner and the child was given only with a view to obtain anticipatory bail. It is next submitted that one can well imagine the pitiable condition of the petitioner and the child in absence of financial support by opposite party no.2. It is next submitted that by not appearing in the instant case, opposite party no.2 is trying to evade the Court.

6. Learned APP for the State also is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner.

7. After hearing learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the petitioner, the order dated 14.07.2023 in Criminal Miscellaneous No.32015 of 2023



granting privilege of anticipatory bail to opposite party no.2
herein is hereby cancelled.

(Satyavrat Verma, J)

Sanjay/-

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