

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24888 of 2026
In
CRIMINAL MISCELLANEOUS No.78322 of 2024

Arising Out of PS. Case No.-1238 Year-2023 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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Rahul Kumar Choubey S/O Late Surendra Choubey @ Surendra Kumar Choubey Resident of Village- Harihar Dihra, Post and PS- Kochas District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari W/O Rahul Kumar Choubey, D/O Govardhan Pandey Resident of at sasural village- Harihar Dihra, Post and PS- Kochas District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Krishna Tiwary, Adv.

Mr. Lalitesh Mani, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-05-2026 Heard Mr. Vijay Krishna Tiwary, learned Advocate for

the petitioner and Mr. Damodar Prasad Tiwary, learned

Advocate for the State.

2. The application is filed seeking modification of the order dated 22.03.2025 passed by this Court in Criminal Miscellaneous No. 78322 of 2024 in connection with Complaint Case No. 1238(c) of 2023 wherein cognizance was taken for the offence under Section 498(A) of Indian Penal Code.

3. While extending the privilege of anticipatory bail vide order dated 22.03.2025, this Court had directed the petitioner to ensure his surrender preferably within a period of four weeks' and furnish bail bond. However, it is submitted that on 23.11.2025, the father of the petitioner died unfortunately



and the petitioner undergone a severe mental anxiety and trauma, because of which he could not surrender within the period stipulated. It is further contended that the dispute is also predominantly matrimonial in nature and the parties have also resolved such dispute in Matrimonial Case No. 329 of 2024.

4. Learned Advocate for the State on the other hand opposed the prayer and submitted that the petitioner has flouted the order of this Court and, as such, he does not deserve any sympathy of this Court.

5. Considering the submissions advanced and the averments made in the modification application, as also taking note of the fact that in the interregnum period the father of the petitioner died, the modification petition stands allowed, however subject to payment of cost of rupees five thousand to be deposited in Lawyers' Association Benevolent Fund, Patna, preferably within a period of two weeks'. The period of surrender be extended till 30.06.2026.

6. The order stands modified to the extent indicated hereinabove.

(Harish Kumar, J)

supratim/-

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