

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31293 of 2025

Arising Out of PS. Case No.-41 Year-2015 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Kumari Madhuri Lata W/o Sarwan Kumar Resident of Vill.- Krishnapuri,
P.S.- Hilsa, Distt.- Nalanda At present D/o Dinesh Prasad, R/o Vill.- Padari,
P.S.- Chandi, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarwan Kumar S/o Late Suresh Raut Resident of Vill.- Krishnapuri (Miyan Bigha), P.S.- Hilsa, Distt.- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Sinha No. 1
For the Opposite Party/s	:	Mr. Zainul Abedin
For the O.P. No. 2	:	Mr. Rajeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-07-2026 Heard learned counsel for the petitioner, learned counsel for Opposite Party No. 2 and learned counsel for the State.

2. The present application has been filed seeking cancellation of the bail granted to Opposite Party No. 2, Sarwan Kumar, by the learned Sub-Divisional Judicial Magistrate, Hilsa, *vide* order dated 30.11.2024 passed in Complaint Case No. 41(C) of 2015. The bail was granted pursuant to the surrender of Opposite Party No. 2 in compliance with the order dated 20.10.2016 passed by this Court in Cr. Misc. No. 23517 of 2016, whereby provisional bail had been granted to him.



3. Learned counsel for the petitioner submits that the order granting bail is liable to be set aside. Learned counsel appearing for Opposite Party No. 2, on the other hand, submits that the bail was granted strictly in terms of the order passed by this Court and no circumstance has arisen thereafter warranting cancellation of the said bail.

4. Having considered the rival submissions and from the perusal of the materials available on record, this Court finds that no supervening circumstance has been brought on record to show that Opposite Party No. 2 has misused the privilege of bail, attempted to tamper with the evidence, influenced the witnesses, absconded or violated any of the conditions of bail imposed by the learned Court below. It is well settled that cancellation of bail stands on a different footing from rejection of bail and must be founded on cogent and overwhelming circumstances. In the absence of any such material, this Court finds no sufficient ground to interfere with the impugned order granting bail.

5. Accordingly, the present application stands dismissed.

6. During the course of hearing, learned counsel for Opposite Party No. 2 submitted that Opposite Party No. 2 has



now acquired knowledge of the pending maintenance proceeding and undertakes that he shall appear before the learned Principal Judge, Family Court, Bihar Sharif within one week from today and shall duly participate in the proceeding.

7. Considering the nature of the dispute and in the interest of justice, the learned Principal Judge, Family Court, Bihar Sharif is directed to make every endeavour to conclude Matrimonial Case No. 152 of 2026 as expeditiously as possible, preferably within a period of six months from the date of receipt/production of a copy of this order, without granting unnecessary adjournments to either of the parties. The parties shall extend full cooperation in early disposal of the case. The learned Principal Judge shall submit a compliance report to this Court upon expiry of the aforesaid period.

8. Let a copy of this order be communicated to the learned District & Sessions Judge, Bihar Sharif, through FAX/e-mail forthwith for information and necessary compliance.

(Sandeep Kumar, J)

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