

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38842 of 2019**

Arising Out of PS. Case No.-243 Year-2016 Thana- RAMPUR District- Gaya

SANJAY KUMAR Son of Mohan Prasad Resident of Road No. 3B Shastri  
Nagar Near Dariyapur House, P.S.- Rampur, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sweta Kumari Wife of Sanjay Kumar Resident of Village - New Godam  
Rajendra Path Sabzi Mandi, P.S.- Kotwali, District - Gaya

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 26583 of 2022**

SANJAY KUMAR Son of Mohan Prasad Resident of Village - Road No.3B,  
Shastri nagar Dariyapur House, P.s.- Rampur, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sweta Kumari W/o Sanjay Kumar Resident of Village - New Goadam ,  
Rajendra Path Sabzi Mandi, P.s.- Kotwali, Distt.- Gaya.

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 38842 of 2019)

For the Petitioner/s : Mr.Sunil Kumar Sinha

For the Opposite Party/s : Mr.Shyam Kumar Singh

For the O.P. No. 02 : Mr. Apurva Harsh

(In CRIMINAL MISCELLANEOUS No. 26583 of 2022)

For the Petitioner/s : Mr.Saurabh Kumar

For the Opposite Party/s : Mr.Dr. Indivar Kumari

For the O.P. No. 02 : Mr. Apurva Harsh

Mr. Rabindra Nath Tiwari

Mr. Rakesh Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

22 29-01-2026

**Re:- Criminal Miscellaneous No. 38842 of 2019**

Heard the parties.

2. This application is filed against the order dated



10.01.2019 passed in Criminal Revision No. 33 of 2018 by the Sessions Judge, Gaya, affirming the order dated 24.01.2018 passed by the learned SDJM, Gaya in G.R. No. 4600 of 2016 / Trial No. 3220 of 2017 arises out of Rampur P.S. Case No. 243 of 2016 by which the bail bonds of the petitioner has been cancelled.

3. The summarized facts of the case is that one Rampur P.S. Case No. 243 of 2016 was registered under Section 498A of the Indian Penal Code and under Section 3/4 of the D.P. Act on the written petition filed by the opposite party no. 02. Thereafter, the petitioner approached this Court and was granted provisional bail by this Court vide order dated 15.05.2017 passed in Cr. Misc. No. 3083 of 2017. The petitioner appeared before the Court below for furnishing his bail bonds and thereafter the SDJM, Gaya, upon execution of bail bonds, was granted bail provisionally for a period of six months and 1.8.2017 was fixed by the Court below for hearing. On 1.8.2017, the informant submitted that she was not properly treated by her in-laws and therefore, the learned SDJM, Gaya cancelled the bail bonds of the petitioner on 24.01.2018, as the same was granted with a condition that the petitioner will keep his wife with full dignity and care. The petitioner also preferred



a Criminal Revision vide Cr. Revision No. 33 of 2018 but the same has also been rejected on 10.01.2019.

4. Learned counsel for the opposite party no. 02 submits the petitioner is not paying the maintenance amount which has been fixed by the court below.

5. In reply to the aforesaid submission, learned counsel for the petitioner submits that the maintenance order was an ex-parte order.

6. In the opinion of this Court, for execution of the order granting maintenance/recovery of the maintenance amount, the opposite party no. 02 can take recourse, as per law.

7. In view of the aforesaid discussions and in view of the judgment of the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273 and also in view of the law laid down by the Hon'ble Supreme Court in the case of Gajanan Dattatray Gore Vs. State of Maharashtra and Anr reported in 2025 SCC OnLine SC 1571, this application is allowed.

8. Accordingly, the order dated 10.01.2019 passed in Criminal Revision No. 33 of 2018 by the Sessions Judge, Gaya, and the order dated 24.01.2018 passed by the learned SDJM, Gaya in G.R. No. 4600 of 2016 / Trial No. 3220 of 2017 arising



out of Rampur P.S. Case No. 243 of 2016, are hereby quashed.

9. The provisional bail granted to the petitioner vide order dated 15.05.2017 passed in Cr. Misc. No. 3083 of 2017 is hereby confirmed. The petitioner is directed to surrender in the Court below and execute fresh bail bonds and is directed to participate in the proceedings of the Court below.

**Re:- Criminal Miscellaneous No. 26583 of 2022**

10. Heard the parties.

11. This application has been filed against the interlocutory order passed by the Principal Judge, Family Court, Gaya on 30.11.2021 in Misc. Case No. 35 of 2019.

12. In view of the prayer made by the petitioner, the Court below is directed to decide the application of the petitioner for setting aside the ex-parte order/application filed under Section 126(2) of the Cr.P.C. within two months from the date of receipt/communication of a copy of this order to the Court below.

13. The Court below is directed to proceed ex-parte against the non-cooperating party.

14. Accordingly, this application is disposed of.

**(Sandeep Kumar, J)**

Vikas/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

