

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.51964 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Shilpi Kumari Wife Of Dharampal Kumar And D/O Vinod Kumar Singh @
Vinod Prasad Resident Of Village- Bhatu Bigha, Po And Ps- Ben, Dist-
Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharampal Kumar Son Of Shishupal Prasad Resident Of Village- Chainpur,
Po Jaitpur, Ps- Chandi, Dist- Nalanda At Present Mohalla- Kamruddinganj,
Ps- Laheri, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 12-01-2026 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party

no.2, who has already filed his *vakalatnama* online.

2. The petitioner has sought for cancellation of
provisional bail granted to the opposite party no.2 vide order
dated 26.05.2026 passed by learned Chief Judicial Magistrate,
Bihar Sharif, Nalanda.

3. Earlier by an order dated 04.05.2023 passed by a
Co-ordinate Bench of this Court (Annexure-1), it was directed
that the present opposite party no.2, who was petitioner no.2
therein, would surrender before the concerned Court and seek
regular bail and the Court below was directed to summon the
opposite party no.2 (informant) to seek her desire as to whether
she was willing to live along with the opposite party no.2 and if



the opposite party no. 2 (petitioner no.2 therein) desired not to live with her, it would not be proper for him to be released and with such observations, the bail application had been disposed of. The order sheet shows that the opposite party no.2 surrendered and filed bail petition and by the impugned order dated 26.05.2023, the provisional bail was granted to the opposite party no.2 till the appearance of the informant. Instead of appearing before the learned Court concerned, the informant has filed the present application for cancellation of bail before this Court which is not the proper and desirable course. It is directed that the informant should appear before the Court concerned where the provisional bail of the opposite party no.2 is pending in order to ventilate her stand and grievance.

4. In such view of the matter, the present application, seeking cancellation of provisional bail granted to the opposite party no.2, is a premature application and is fit to be dismissed. However, once the petitioner (informant) appears before the Court concerned in the bail proceeding of the opposite party no.2, she shall be duly heard and the order shall be passed in accordance with law.

(Soni Shrivastava, J)

anand/-

U		T	
---	--	---	--

