

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50852 of 2022

In
CRIMINAL MISCELLANEOUS No.32178 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- PATRAKARNAGAR District- Patna

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KUMAR SAURABH @ SOMU Son of Mahanand Singh Resident of Village - Khopira, P.S.- Pawana, District - Bhojpur, Bihar, At present resident of at P.I.T. Colony, L2/57, Kankarbagh, P.S.- Patrakar Nagar, Town and District - Patna 800020

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari, D/o Ram Dinesh Pandey, R/v, Manipur, P.S. Nokha, District, Rohtas, at present resident of Ganga Bihar Colony, P.S. Beur Town, Distinct, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kamala Kant Tiwary, Advocate Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s :		Mr.Ajit Kumar, APP
for the informant	:	Mrs. Usha Kumari Singh, Advocate Ms. Sunidhi Vimal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 14-05-2026 Heard the parties.

2. The present application has been filed for modification of the order dated 09.05.2022 passed in Cr. Misc. No.32178 of 2021, whereby the petitioner was allowed anticipatory bail. One of the conditions therein was that the petitioner shall deposit Rs.5,000/- in first week of every month commencing from May as maintenance in the account furnished by the informant and bail bond of the petitioner would be accepted by the learned District Court on showing receipt of



deposit of Rs.5,000/- (for the month of May) by the petitioner in the account of the informant.

3. Learned counsel appearing on behalf of the petitioner submitted that in terms of the order dated 09.05.2022, the informant/O.P. No. 2 was required to furnish her bank account details to the petitioner for the purpose of compliance with the conditions stipulated therein. However, despite the said direction, neither the informant nor her learned counsel furnished the requisite bank account details to the petitioner and, consequently, for reasons beyond the petitioner's control, the order dated 09.05.2022 could not be complied with.

4. *Vide* order dated 27.04.2026, the Senior Superintendent of Police, Patna was directed to verify as to whether O.P. No. 2 was residing at the present address mentioned in the bail application. In compliance of the aforesaid order, a report has been submitted by the Senior Superintendent of Police, Patna stating therein that upon verification of the address furnished in the bail application, no definite information could be gathered regarding the present whereabouts of O.P. No. 2. Thereafter, further steps were taken by seeking verification through the Superintendent of Police, Rohtas with regard to the whereabouts and status of O.P. No. 2.

5. Learned counsel at this stage submitted that petitioner had filed a petition for divorce under Section 13-B of



the Hindu Marriage Act, 1955 against the informant being Matrimonial Case No.1451 of 2019 in which *ex-parte* decree of divorce has been passed *vide* judgment dated 03.01.2026, by the learned Family Court, Patna, copy of which has been brought on record as Annexure P/9 to the supplementary affidavit filed on behalf of the petitioner. In the said judgment, it has been recorded that statement of the informant was recorded under Sections 161 and 164 of CrPc, wherein she has admitted that she has already married with another person, namely, Aniket Raj.

6. In view of the specific information brought on record, particularly the findings and observations contained in the judgment dated 03.01.2026, this Court is of the considered view that no purpose would be served in keeping the present issue alive. It transpires from the statement of O.P. No. 2 recorded under Section 164 Cr.P.C. that she has unequivocally stated her intention to lead her matrimonial life with another person, namely, Aniket Raj, with whom she has already solemnized marriage. It further appears that the present petitioner has already obtained a decree of divorce under Section 13(1-B) of the Hindu Marriage Act, 1955.

7. I find that the petitioner had earlier been granted the privilege of pre-arrest bail *vide* order dated 09.05.2022 passed in



Cr. Misc. No. 32178 of 2021. In the aforesaid backdrop, this Court finds that the undertaking allegedly given on behalf of the petitioner for payment of Rs.5,000/- per month towards maintenance to O.P. No. 2 no longer survives for consideration in view of the subsequent developments noticed hereinabove. Consequently, this Court does not find any necessity for modification of the order dated 09.05.2022.

8. Since this Court has already taken into consideration the subsequent developments in the matter, particularly the fact that O.P. No. 2 has already solemnized marriage with another person and the petitioner has also obtained a decree of divorce as recently as on 03.01.2026, this Court is of the view that no further orders are required in the matter. Apart from the aforesaid subsequent developments, this Court further finds that the prayer for modification of the order dated 09.05.2022 is otherwise not maintainable in law, inasmuch as the said order has already attained finality and, in view of the bar contained under Section 362 of the Cr.P.C., corresponding to Section 403 of the BNSS, this Court has no jurisdiction to alter or review the same except for correction of clerical or arithmetical errors.

9. The present modification application is consigned to record.



10. This Court appreciates the manner in which Mr. Kamla Kant Tiwary, learned counsel, has assisted this Court, placing the relevant facts in their proper perspective.

(Purnendu Singh, J)

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