

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2463 of 2024

Arising Out of PS. Case No.-1205 Year-2014 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Anjali Devi Wife Of Sunil Kumar Thakur Resident Of Village- Bharthipur, Tola- Lokattha, Police Station- Sakra, District- Muzaffarpur. Presently Residing In Her Father House Namely, Sri Ram Chandra Sharma @ Ram Chandra Thakur, Resident Of Village- Dih Sarsauna , P.O. Gouspur Sarsauna, P.S. National Highway Bangra, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sunil Kumar Thakur Son Of Madan Mohan Thakur Resident Of Village- Bharthipur, Tola- Lokattha, P.O. Saraiya, Police Station- Sakra, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar
For the Opposite Party/s : Mr. Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present application has been filed seeking cancellation/setting aside of the order granting anticipatory bail to Opposite Party No. 2, passed by the learned Sessions Judge, Samastipur in A.B.P. No. 867 of 2016 vide order dated 02.07.2016, as well as the subsequent order dated 04.09.2021 passed in Cr. Misc. No. 12 of 2021, whereby Opposite Party No. 2 was granted bail on the basis of an undertaking to keep the petitioner, his legally wedded wife, with full honour, dignity and



to duly discharge his matrimonial obligations.

3. It is submitted on behalf of the petitioner that Opposite Party No. 2 has failed to honour the undertaking furnished before the Court and has deliberately violated the conditions on the basis of which the privilege of bail was granted. It is further submitted that Opposite Party No. 2 has neither resumed cohabitation with the petitioner nor treated her with the honour and dignity as undertaken before the Court. It is also contended that despite the order dated 15.07.2019 passed in Cr. Misc. No. 63 of 2018 directing payment of maintenance, Opposite Party No. 2 has failed and neglected to pay the maintenance amount to the petitioner. According to the petitioner, such wilful breach of the undertaking, coupled with disobedience of the maintenance order, constitutes sufficient ground for cancellation of the bail granted to Opposite Party No. 2.

4. Having considered the submissions advanced on behalf of the parties and upon perusal of the materials available on record, this Court is of the view that the grievance of the petitioner regarding non-payment of maintenance can appropriately be addressed by the Court concerned before whom the maintenance proceedings are pending or whose order is



sought to be enforced.

5. Accordingly, the present application is disposed of with liberty to the petitioner to file an appropriate application before the concerned Court seeking enforcement of the maintenance order and raising the grievance regarding non-payment of maintenance. If such an application is filed, the concerned Court shall consider and dispose of the same on its own merits, in accordance with law, preferably within a period of fifteen (15) days from the date of its filing.

6. It is further observed that if, upon such consideration, the learned Court concerned finds that Opposite Party No. 2 has willfully failed to comply with the order directing payment of maintenance or has violated any condition of the bail order or the undertaking furnished before the Court, it shall be at liberty to take all appropriate steps permissible in law, including initiation of proceedings for cancellation of the bail bonds of Opposite Party No. 2, if so warranted.

7. The learned Trial Court is further directed to make every endeavour to expedite the trial and conclude the same 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. Upon expiry of the aforesaid period, the learned Trial Court shall submit a compliance report before this Court.

8. It is made clear that this Court has not expressed any opinion on the merits of the respective claims of the parties, and all questions of fact and law are left open to be decided independently by the concerned Court in accordance with law.

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

(Sandeep Kumar, J)

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