

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89961 of 2024

Arising Out of PS. Case No.-229 Year-2018 Thana- SAHPUR District- Patna

Nira Devi, Wife of Vibhya singh Resident of Village- Nargadha, P.S.-
Sherpur, District- Patna, presently residing at Mira Devi D/O- Parmanand
Singh Resident of Durga Lane Shekhpura, P.S.- Shastri Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibhay Singh @ Bibhay Singh @ Vibhay Singh @ Vibhay Kumar Son of
Ragho Singh Resident of Village- Nargoda, P.S.- Sahpur, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra
For the Opposite Party/s	:	Ms. Madhuri Lata
		Mr. Niranjana Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 16-01-2026 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the opposite party no.2.

2. The petitioner and the opposite party no.2 in
compliance of the order dated 01.08.2025 are present in the
Court.

3. It is next submitted that the case was taken up on
19.12.2025, but then on the said date, the case could not be
heard. It is next submitted that opposite party no.2 herein had
initially approached this Court seeking anticipatory bail by
filing Cr. Misc. No.28265 of 2022 and the same was allowed by
an order dated 12.07.2023 as opposite party no.2 herein and



petitioner herein were willing to resume their conjugal relationship. It is submitted that petitioner herein was given liberty to file an application seeking cancellation of anticipatory bail granted to the opposite party no.2 herein provided the opposite party no.2 does not keep her with honour and dignity. Accordingly, petitioner herein earlier filed Cr. Misc. No.63777 of 2023 seeking cancellation of anticipatory bail granted to the opposite party no.2 herein by order dated 12.07.2023 in Cr. Misc. No.28265 of 2022. It is submitted that in Cr. Misc. No.63777 of 2023, the opposite party no.2 took a stand that petitioner herein does not intend to stay with him, as such, he is willing to pay a monthly maintenance of Rs.4,000/-, as such, Cr. Misc. No.63777 of 2023 was allowed by an order dated 01.12.2023, since opposite party no.2 herein was willing to pay a monthly maintenance. It is submitted that opposite party no.2 herein was not paying the monthly maintenance in terms of order dated 01.12.2023 in Cr. Misc. No.63777 of 2023, as such, the instant cancellation application has been filed.

4. The learned counsel appearing on behalf of the petitioner herein submits that opposite party no.2 has cleared the dues and a meager amount of Rs.11,000/- is left, on which the petitioner herein, who is present in the Court asserts and submits



that he has already cleared all the dues of the petitioner herein and now, the opposite party no.2 is liable to pay Rs.4,000/- from the month of January, 2026 onwards.

5. At this stage, the learned counsel for the petitioner herein submits that since opposite party no.2 is paying the amount, as such, no useful purpose would be served by keeping the cancellation application pending, thus seeks permission to withdraw the present cancellation application.

6. Permission is accorded.

7. Accordingly, instant petition is dismissed as withdrawn.

8. The personal appearance of petitioner and opposite party no.2 is dispensed with.

(Satyavrat Verma, J)

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