

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35394 of 2014

Arising Out of PS.Case No. -1 Year- 2012 Thana -MAHILA P.S. District- MADHEPURA

=====

Mina Sinha, Wife of Sunil Kumar Yadav Resident of village- Sahugarh
Dudhram Tola, P.S.- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar Yadav Son of Late Bhupendra Yadav Village- Sahugarh
Dudhram Tola, P.S.- Madhepura, District- Madhepura.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma
For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 07-01-2015 Heard the learned counsel for the petitioner and the

learned counsel appearing for the opposite party no.2. Nobody
appears on behalf of the State.

This application has been filed for cancellation of the
bail granted to the opposite party no. 2 Sunil Kumar Yadav by
this Court vide order dated 01.10.2013 in Cr. Misc. No. 38394
of 2013. The present petitioner, who is wife of the opposite party
no. 2, has filed Mahila P.S. Case No. 01 of 2012 for the offences
punishable under Section 498A, 494, 323, 307, 504 and 506 of
the Indian Penal Code.

The learned counsel for the petitioner has submitted that
the order granting bail to the petitioner was conditional one

wherein he was required to follow and abide by the terms of the Panchanama and to maintain cordial relationship with the informant and her daughter. It has, however, been submitted that opposite party no. 2 has violated the terms of Panchanama and in this regard the learned counsel for the petitioner has referred to the Panchanama which has been found mentioned at page-20 (Annexure) of the present application.

It has been specifically pointed out by the learned counsel for the opposite party no. 2 that the terms no. 2 and 5 of the said Panchanama have been violated and the opposite party no. 2 has not given half share in movable and immovable property, as agreed, to the petitioner. It has further been submitted that no other terms has been violated except term no. 2 and 5.

After considering the submissions and facts and circumstances of the case, it is transparent from the Panchanama (Annexure at page 20 of the present application) that term no. 2 records the decision that the petitioner Smt. Mina Sinha and her daughter Komal Kumari shall have half share in the property of the opposite parties no. 2 Sunil Kumar Yadav. In term no. 5, the decision has been recorded that the alienation/transfer of the movable or immovable property by Sunil Kumar Yadav and his

wife Mina Sinha shall be adjustable in their respective shares. It is also apparent that there is no condition by which the opposite party no. 2 Sunil Kumar Yadav was required to transfer the half share in favour of the petitioner Mina Sinha and the term no. 2 simply is declaratory in nature. This Court, therefore, is not persuaded to find that the opposite party no. 2 has violated the terms no. 2 and term no. 5 as submitted by the learned counsel for the petitioner.

In view of the aforesaid discussions, there is no merit in this application, which is, accordingly, dismissed.

Devendra/-

(V. Nath, J)

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