

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23552 of 2012

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Salkhi Devi, wife of Santlal Sah, resident of Village-Parariya, P.S.-
Sikty, District-Araria

.... Petitioner

Versus

1. The State of Bihar
2. Santlal Sah son of Late Lalu Sah, resident of Village-Parariya, P.S.-
Sikty, District-Araria

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Yadav

For the Opposite Party : Mr. Anil Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 25-03-2015

The present application has been filed for cancellation of bail of O.P. No. 2 granted by learned 1st Additional Sessions Judge, Araria vide order dated 30.03.2012 in B.P. No. 212 of 2012 in a complaint case in which processes have been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the I.P.C.

The basic accusation is torture and performing second marriage.

The O.P. No. 2 was earlier granted anticipatory bail vide order dated 18.08.2010 passed in Cr. Misc. No. 12141 of 2010 on undertaking before this Court that he will transfer fifty percent of his share in favour of the petitioner within a period of three months by way of partition and got the name of the petitioner recorded in the revenue records. The liberty was given to the petitioner to file application for cancellation of bail bond of the O.P. No. 2, if

O.P. No. 2 fails to comply the undertaking given before this Court. Since the O.P. No. 2 failed to comply the undertaking, hence his bail bond was cancelled and subsequently O.P. No. 2 surrendered and he was granted bail by learned 1st Additional Sessions Judge, Araria vide order dated 30.03.2012.

The present cancellation application is based on non-compliance of undertaking given by the O.P. No. 2 during grant of the anticipatory bail by this Court.

Since now the O.P. No. 2 is not on anticipatory bail, hence the terms of anticipatory bail can not form a ground for cancellation of regular bail.

Accordingly the application is dismissed in connection with Complaint Case No. 2632 of 2008.

(Dinesh Kumar Singh, J)

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