

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23053 of 2013

Arising Out of PS.Case No. -276 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Babita Devi W/O Daya Nand Rai And D/O Ram Babu Singh R/O
Suarmarwa West, P.O- Patila, P.S- Maner, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Namely Daya Nand Rai S/O Sree Chhedi Rai Resident Of Village-
Habaspur, P.S- Shahpur, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016 The present application has been filed for
cancellation of bail of opposite party no. 2 who was granted
provisional anticipatory bail for one year vide order dated
22.03.2013 passed in Cr. Misc. No. 11398 of 2013, on
readiness of the opposite party no. 2 being husband of the
petitioner to keep the petitioner as wife with full dignity and
honour in connection with Complaint Case No. 276C of 2011,
wherein processes were directed to be issued after cognizance
being taken for the offences punishable under Sections 323
and 498A of the Indian Penal Code. The provisional bail of the
opposite party no. 2 was to be confirmed by learned Court
below on substantial restoration of matrimonial harmony or if
the petitioner deliberately refuses to reside with the opposite
party no. 2.

It is submitted by learned counsel for the petitioner that opposite party no. 2 failed to comply the undertaking given before this Court.

In view of this Court, the parameters for grant of bail and its cancellation are quite different. Moreover, since the period of provisional bail has already lapsed on 21.03.2014, hence, the opposite party no. 2 is no longer on provisional bail. There is nothing on record to suggest that provisional bail of the opposite party no. 2 has been confirmed. Hence, the present cancellation application is not maintainable.

Accordingly the cancellation application is disposed of.

It is expected from the learned Court below to pass appropriate order in the matter.

(Dinesh Kumar Singh, J)

Shageer/-

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