

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40947 of 2013

Arising Out of PS.Case No. -1409 Year- 2010 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Manimala Devi D/O- Tanik Singh Resident Of Vill- Sare, P.S- Sare
District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. Krishna Murari. Son Of Late Ram Nath Kuwar, Resident Of Sare. P.S-
Sare.Distt- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016

Heard learned counsels for the petitioner and
the State.

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
31.08.2012 passed in Cr. Misc. No. 31553 of 2012, 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. 1409C of 2010,
wherein processes were directed to be issued after cognizance
being taken for the offences punishable under Sections 323,
379, 498A, 506 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
within a period of one year, or if the petitioner deliberately
refuses to reside with the opposite party no. 2 or if the

petitioner fails to appear before learned Court below.

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

In view of this Court, the parameters for grant of bail and its cancellation are quite different. Moreover, since the period of provisional bail of one year has lapsed on 30.08.2013, hence, in view of this Court, 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 application for cancellation of bail is not maintainable.

Accordingly the application is disposed of.

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

(Dinesh Kumar Singh, J)

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