

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29349 of 2014

Arising Out of PS.Case No. -495 Year- 2010 Thana -COMPLAINT CASE District- SUPAUL

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Momina Khatoon W/o Md. Mahbood @ Mahboom Alam @ Mahboob Alam, D/o Md. Shamim

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Mahbood @ Mahboom Alam @ Mahboob Alam
3. Nurul Hoda
4. Bibi Halima

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-10-2016 Heard learned counsels for the petitioner-informant and the State.

The present application has been filed for cancellation of bail, granted to opposite party nos. 2 to 4 being husband and parents of the husband of the petitioner-complainant vide order dated 19.02.2013 in Criminal Miscellaneous No.50285/2012 in connection with Complaint Case No.495/2010, pending in the Court of learned CJM, Supaul whereby process has been directed to be issued after cognizance being taken under section 498A of the Indian Penal Code..

Opposite party no.2 being husband of complainant was granted provisional anticipatory bail for one year, on submission to keep the complainant as wife with full dignity and



honour and considering the stand of opposite party no.2, opposite party nos. 3 and 4 being parents of opposite party no.2 were granted anticipatory bail. The provisional anticipatory bail of opposite party no.2 was to be confirmed by the learned Court below within one year on substantial restoration of the matrimonial harmony or if the complainant deliberate refuses to reside with petitioner no.1- opposite party no.2.

It is submitted by learned counsel for the petitioner-complainant that her husband fails to comply the undertaking given before this Court, though his bail bonds were cancelled on 26.06.2013, but opposite party no.2 was again granted bail by the learned Court below. A statement to that effect has been made in paragraph no.9 of the petition, which reads as under :-

"That on 26.06.2013 the aforesaid accused bail bond was cancelled and issued non-bailable warrant and date fixed for appearance on 14.08.2013 and thereafter they were appear before the Court below on 20.08.2013. Their bail was granted with the cost on same day."

It appears that the period of provisional bail has lapsed on 18.02.2014, hence, the opposite party no.2 is no longer on provisional bail. Since, there is nothing on record to suggest that the provisional bail of opposite party no.2 has been

confirmed by the learned court below, the present application, as against him is not maintainable.

So far as opposite party nos. 3 and 4 are concerned, since there is nothing on record to suggest that they have misused the privilege of bail, this Court finds no merit to interfere.

Accordingly, the cancellation application is disposed of.

(Dinesh Kumar Singh, J)

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