

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51746 of 2013

Arising Out of PS.Case No. -692 Year- 2010 Thana -COMPLAINT CASE District- LAKHISARAI

Dr. Lucy Kumari W/O Dr. Mukesh Kumar And D/O Raghunandan Prasad
Singh Resident Of Village- Konipar, P.S- Suryagarha, Distt- Lakhisarai.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Mukesh Kumar S/O Late Uday Kumar Singh Resident Of Mohalla-
Aliganj, P.S- Mohahirpur, (Babarganj), District- Bhagalpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. B.N.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-10-2016

Heard learned counsels for the petitioner and

the State.

The present application has been filed for cancellation of bail, granted to opposite party no. 2 vide order dated 05.09.2012 passed in Cr. Misc. No. 21139 of 2013 in connection with Complaint Case No. 692(C) 2010, pending in the court of learned SDJM, Lakhisarai.

The opposite party no. 2 being the husband of the petitioner-complainant was granted provisional anticipatory bail for one year in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, on the submission on behalf of opposite party no. 2 that he is ready to keep the petitioner-

complainant. The provisional bail was to be confirmed within one year by the learned court below on substantial restoration of the matrimonial harmony or if the complainant deliberately refuses to reside with the opposite party no. 2.

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

It appears that the period of provisional bail has already been expired on 04.09.2013, hence, the opposite party no. 2 is no longer on provisional bail.

It is submitted by learned counsel for the petitioner-complainant that there is nothing on the record to suggest that the provisional bail of opposite party no. 2 has been confirmed by the learned court below.

In the circumstances, the present application for cancellation of provisional bail of opposite party no. 2 has become infructuous and accordingly, it is disposed of.

Let the learned court below pass appropriate order in the matter.

(Dinesh Kumar Singh, J)

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