

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20473 of 2012

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Usha Devi W/O Vishnath Mukhiya R/O Village- Patania, P.S- Biraul, Distt- Darbhanga., At Present Residing At Village- Kishanpur Baikunth, Navtolia, P.S- Warisnagar, Distt- Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Vishnath Mikhiya S/O Damodar Mukhiya R/O village – Patania, P.S. Biraul, District – Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 28-09-2016

None appears for the petitioner. However, counsel for opposite party no. 2 is present.

The present application has been filed for cancellation of provisional bail of opposite party no. 2, granted vide order dated 20.06.2011 passed in Cr. Misc. No. 16127 of 2011 in connection with Complaint Case No. 80 of 2009 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, pending in the court of learned SDJM, Samastipur.

The provisional bail was granted to opposite party no. 2 for six months on the readiness of opposite party no. 2

to keep the complainant-petitioner as wife with dignity and honour. The provisional bail was to be confirmed by the learned court below in two eventualities, if the matrimonial harmony is restored substantially within six months or the wife deliberately refuses to reside with opposite party no. 2.

Counsel for opposite party no. 2 submits that the provisional bail has been confirmed by the learned court below, but no such order has been brought on record. Moreover, petitioner has already performed second marriage.

Considering the aforesaid facts, this Court finds no merit in this application and accordingly, it is dismissed.

(Dinesh Kumar Singh, J)

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