

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49281 of 2014

Arising Out of PS.Case No. -1825 Year- 2010 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Md. Mansur Alam Son of Late Md. Hasan Resident of Village - Saharsa
Basti, Ward No. 38, P.S- Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Mustaquim Son of Md. Kalim Resident of Village - Islampur, P.S-
Nauhata, district - Saharsa,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 26-10-2016

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 03.10.2012 passed in Cr. Misc. No. 37640 of 2012 in
connection with Complaint Case No. 1825 of 2010, pending in the
court of learned CJM, Saharsa.

The opposite party no. 2 being the husband of
the sister 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 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 sister of the petitioner-informant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below if the matrimonial harmony is substantially restored or if the sister of the complainant deliberately refuses to reside with opposite party no. 2.

It is submitted by learned counsel for the petitioner that the opposite party no. 2 has failed to comply the undertaking given before this Court, however, admits that the provisional bail has not been confirmed

It appears that the period of provisional bail has lapsed on 02.10.2013, hence the opposite party no. 2 is no longer on provisional bail.

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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