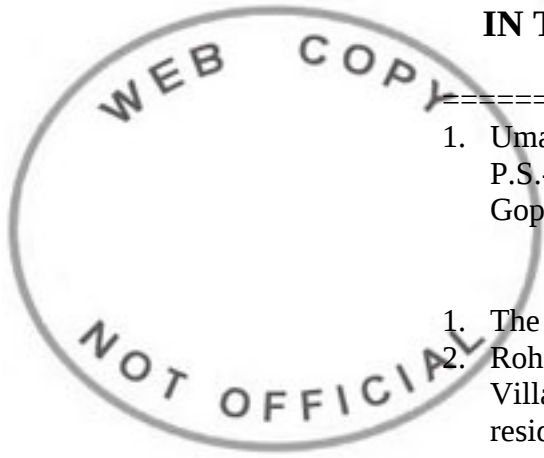




**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36137 of 2016**

1. Umada Devi Wife of Rohit Paswan resident of Village-Taregnadih,  
P.S.- Masaurhi, District- Patna At Presently residing at Village-  
Gopalganj, P.S. Masaurhi, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Rohit Kumar @ Rohit Paswan Son of Sri Rajesh Paswan resident of  
Village-Taregnadih, P.S.- Masaurhi, District- Patna At Presently  
residing at Village- Gopalganj, P.S. Masaurhi, District- Patna

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pritish Kumar Lal  
For the Opposite Party/s : Mr. Mr. Manoj Kumar

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

2      31-08-2016      The present application has been filed for  
cancellation of the provisional bail of the O.P. No. 2 granted  
vide order dated 26.02.2015 passed in Cr. Misc. No. 7686 of  
2015

The O.P. No. 2 being husband of the  
informant was granted provisional anticipatory bail for one year  
in a case registered for the offences punishable under Sections  
498A, 494, 495 of the Indian Penal Code and Sections 3 of the  
Dowry Prohibition Act on the readiness of the O.P. No. 2 to  
keep the informant as wife with full dignity and honour. The  
provisional bail of the O.P. No. 2 was to be confirmed by  
learned Court below in three eventualities (i) on substantial

restoration of matrimonial harmony (ii) or if the informant gets reluctant to reconcile the issue and (iii) or if the informant fails to appear before learned Court below.

It is submitted by learned counsel for the petitioner that in pursuance to the order of this Court the petitioner went to her matrimonial house several times but she was being assaulted and tortured. It is further submitted that till date the provisional bail of the O.P. No. 2 has not been confirmed and the bail bonds of the O.P. No. 2 has also not been cancelled. The O.P. No. 2 is still enjoying the privilege of anticipatory bail.

Since the O.P. No. 2 was granted provisional bail for one year vide order dated 26.02.2015 and the period of provisional bail has expired on 25.02.2016 though the present modification application has been filed on 20.08.2016, there is no need of modifying the said order.

It is expected from learned Court below to pass appropriate order within a period of three weeks from the date of receipt/production of the order of this Court in terms of the conditions of provisional bail as stipulated in the order dated 26.02.2015.

The order dated 26.02.2015 passed in Cr. Misc. No. 7686 of 2015 stands modified to the extent as indicated above.

Accordingly the modification application is disposed off in connection with Masaurhi P.S. Case No. 93 of

2014, pending in the Court of learned Sub-Divisional Judicial  
Magistrate, Masaurhi.

Shageer/-

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**(Dinesh Kumar Singh, J)**

