

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25291 of 2012

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Smt. Kiran Devi @ Sangeeta Devi wife of Brajendra Kumar @ Bablu Tripathy, daughter of Pramod Pandey resident of village and P.O. Narawn, P.S. Awtarnagar, District – Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar
2. Brajendra Kumar Tripathy @ Bablu Bablu Tripathy son of Sawaliya Tripathy, at present resident of Mohalla Dahiyawa, South of Water Tank, House of Ajit Singh, P.S. Town, District – Saran (Chapra).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachcha Pandey

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 28-09-2016

The present application has been filed for cancellation of provisional bail of opposite party no. 2 granted vide order dated 02.05.2011 passed in Cr. Misc. No. 12239 of 2011, subsequently which was confirmed by the learned SDJM, Saran at Chapra vide order dated 21.03.2012 in connection with Complaint Case No. 860 of 2009 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 307, 406, 420, 498A and 504/34 of the Indian Penal Code, pending in the court of learned SDJM, Saran at Chapra.

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 on substantial restoration of matrimonial harmony between the parties, or if the complainant refuses to reside with the opposite party no. 2.

It is submitted by learned counsel for the petitioner that after getting the provisional bail confirmed the opposite party no. 2 started inflicting torture leading to lodging of Complaint Case No. 3522 of 2011 but there is nothing on the record to suggest that any order being passed in the said complaint. It is further submitted that the petitioner is ready to resume the conjugal life.

It is submitted by learned counsel for opposite party no. 2 that opposite party no. 2 is ready to accept the offer of the petitioner of resuming conjugal life.

Both sides agree to appear before the learned court below on 21st of October, 2016.

It is expected from the learned court below to immediately get the matter referred in Mediation and make an effort to get the issue reconciled.

Keeping in view of the fact that the order dated 02.05.2011 whereby the opposite party no. 2 was granted

provisional bail which was confirmed by the learned court below vide order dated 21.03.2012 and the opposite party no. 2 has enjoyed the privilege of bail for more than five years coupled with present stand of the parties, this Court is not inclined to interfere.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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