

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16850 of 2013

Arising Out of PS.Case No. -1380 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Gulbadan Khatoon W/O Yasin Ansari Resident Of Village- Birwat,
P.O- Mushari, P.S- Rijaipur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Yasin Ansari S/O Karmbin Ansari R/O Village- Birwat, P.O- Mushari,
P.S- Bijaipur, Distt- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016

The present application has been filed for cancellation of bail of opposite party no. 2 who was granted provisional anticipatory bail for one year vide order dated 30.07.2012 passed in Cr. Misc. No. 18171 of 2012, in connection with Complaint Case No. 1380 of 2011, wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

The opposite party no. 2 being husband of the petitioner was granted provisional bail for one year on the undertaking of opposite party no. 2 to partition his property and give half share of the property to the complainant. The said partition was to be done within a period of one year and till then the opposite party no. 2 was directed to make payment of

Rs. 1000/- per month to the petitioner/complainant. The provisional bail of the opposite party no. 2 was to be confirmed by learned Court below on compliance of the undertaking given before this Court.

It is submitted by learned counsel for the petitioner that neither the property was partitioned nor the payment of Rs. 1000/- per month was paid to the petitioner/complainant.

It appears that the period of provisional bail for one year has lapsed on 29.07.2013. Hence, the opposite party no. 2 is no longer on provisional bail. Moreover, there is nothing on record to suggest that provisional bail of the opposite party no. 2 has been confirmed. Hence, the present cancellation application is not maintainable.

Accordingly the cancellation application is disposed of.

It is expected from the learned Court below to pass appropriate order in the matter.

(Dinesh Kumar Singh, J)

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