

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43170 of 2014

Arising Out of PS.Case No. -417 Year- 2013 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Priyanka Devi @ Rimmi Devi Daughter of Rajendra Gupta, Resident of
Village - Itardhi, P.S. - Itardhi, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar Gupta @ Alok Gupta Son of Sri Harish Chandra Gupta @
Kanhaiya Resident of Village & Post - Bankey Ganj, P.S. Mailani,
District - Lakhimpur Khiri, Uttar Pradesh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Harendra Prasad (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 20.03.2014 passed in Cr. Misc. No. 2083 of 2014 in
connection with Complaint Case No. 417C of 2013, pending in the
court of learned SDJM, Buxar.

The opposite party no. 2 being the husband 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 of 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 petitioner-complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

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

It appears that the period of provisional bail has lapsed on 19.03.2015, 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 is not maintainable 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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