

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46061 of 2012**

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Nutan Devi, wife of Sri Udai Rai, resident of Village-Harpur, Gopal Post-Chanpur Pakari, P.S.-Bidupur, District-Vaishali. At present reside with father Sri Rabindra Prasad Rai of village-Thanpur, Post-Parmanandpur, P.S.-Mahua, District-Vaishali

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Udai Rai, son of Late Jageshwar Rai, resident of Village-Harpur Gopal, Post-Chanpur, P.S.-Bidupur, District-Vaishali

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

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Md. Ansarul Haqui(App)

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

2      05-10-2016

The present application has been filed for cancellation of bail of opposite party No. 2 who was granted provisional anticipatory bail for six months vide order dated 18.04.2011 passed in Cr. Misc. No. 10040 of 2011 in connection with Complaint Case No. 721 of 2010 registered under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The opposite party No. 2 being husband of the petitioner was granted provisional anticipatory bail for six months on joint statement of the parties that both are ready to resume the conjugal life. The provisional bail of the opposite party No. 2 was to be confirmed by learned Court below on substantial restoration of matrimonial harmony within a period of six months or if the complainant deliberately refuses to reside with the opposite party No. 2.

It is submitted by learned counsel for the petitioner that provisional bail of the petitioner has never been confirmed but after filing of the present cancellation application, the opposite party No. 2 has brought the petitioner to her matrimonial house and at present both are residing together.

Considering the fact that provisional bail was granted vide order dated 18.04.2011 for six months and the period of provisional bail has already expired, the present cancellation application is not maintainable. Moreover, in view of the statement of the counsel for the petitioner that now the issue has been reconciled, this Court is not inclined to interfere.

Accordingly the application is disposed of in connection with Complaint Case No. 721 of 2010, pending in the Court of learned Sub-Divisional Judicial Magistrate, Vaishali.

**(Dinesh Kumar Singh, J)**

Shageer/-

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