

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36957 of 2014

Arising Out of PS.Case No. -10 Year- 2011 Thana -AMAS District- GAYA

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Peena Kumari Daughter of Birendra Prasad Resident of Village - Hmjapur,
Police Station - Amas, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Kumar Son of Late Rajendra Prasad Resident of Village - Dubba,
P.S. - Gurua, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Surendra Kumar(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 23.06.2011 passed in Cr. Misc. No. 15990 of 2011 in
connection with Amas P.S. Case No. 10 of 2011, pending in the
court of learned SDJM, Sherghati at Gaya.

The opposite party no. 2 being the husband of
the petitioner-informant was granted provisional anticipatory bail
for six months in a case registered for the offences punishable
under Sections 341, 323, 504, 498A/34 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 informant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below on substantial restoration of the matrimonial harmony within a period of six months, or if the informant deliberately refuses to reside with opposite party no. 2 or the informant fails to comply the undertaking given before this Court.

It is submitted by learned counsel for the petitioner 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 22.06.2012, 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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