

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36107 of 2014

Arising Out of PS.Case No. -380 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Rajnish Kumar, S/o Arbind Kumar Singh, Village + Post – Chamth
Chhotkhunt, P.S. Bachhwara, District – Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumar Yadwendra Singh @ Prinkujee @ Yadvendra Singh S/o Jitendra
Kumar Singh, Village – Bharatkhand Deudhi, P .S. Parbatta, District –
Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Sinha

For the Opposite Party/s : Mr. Upendra 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 08.01.2013 passed in Cr. Misc. No. 44558 of 2012 in
connection with Complaint Case No. 380C of 2011, pending in the
court of learned SDJM, Begusarai.

The opposite party no. 2 being the husband of
the sister of the petitioner 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, 323, 379, 504/34 of the Indian
Penal Code and 4 of Dowry Prohibition Act, on the submission on

behalf of opposite party no. 2 that he is ready to keep the complainant (sister of the petitioner) as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below in three eventualities if the matrimonial harmony is restored substantially within one year or the wife deliberately refuses to reside with the opposite party no. 2 or she fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that opposite party no. 2 took the sister of the petitioner to her matrimonial house but after few days her dead body was found on a railway track for which a substantive case was filed, though, admits that the provisional bail has not been confirmed.

It appears that the period of provisional bail has lapsed on 07.01.2014, 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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