

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38533 of 2013

Arising Out of PS.Case No. -758 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

- =====
1. Rupa Devi Wife Of Pawan Kumar Mandal Daughter Of Bishundeo Mandal Dresident Of Jhaljhalia More, P.S- English Bazar, District Malda (West Bengal), at present residing at Mohall Jublibel Jamalpur, P.S - Jamalpur, District - Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pawan Kumar Mandal Son Of Late Santkal Mandal Resident Of Vill- Jhaljhalia More, P.S- English Bazar, District - Malda (West Bengal).
3. Meena Devi Wife Of Late Santkal Mandal Resident Of Vill- Jhaljhalia More, P.S- English Bazar, District - Malda (West Bengal).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Binod Kr. 3(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016

Heard learned counsels for the petitioner and
the State.

The present application has been filed for
cancellation of bail of opposite party nos. 2 and 3. This Court
granted provisional anticipatory bail for one year to opposite
party no. 2 vide order dated 22.04.2013 passed in Cr. Misc. No.
4832 of 2013. The opposite party no. 2 being husband of the
petitioner was granted provisional anticipatory bail for one
year, on readiness of the opposite party no. 2 to keep the
petitioner as wife with full dignity and honour in connection
with Complaint Case No. 758C of 2012, wherein processes were



directed to be issued after cognizance being taken for the offences punishable under Sections 149, 498A of the Indian Penal Code and Section 34 of the Dowry Prohibition Act. 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 one year or if the petitioner deliberately refuses to reside with the opposite party no. 2 or if the petitioner fails to appear before learned Court below. Considering the stand of opposite party no. 2, opposite party no. 3 was granted anticipatory bail.

It is submitted by learned counsel for the petitioner that opposite party no. 2 failed to comply the undertaking given before this Court.

In view of this Court, the parameters for grant of bail and its cancellation are quite different. Moreover, since the order dated 22.04.2013 granting provisional bail for one year to opposite party no. 2 has lapsed on 21.04.2014, hence, in view of this Court, the opposite party no. 2 is no longer on provisional bail. There is nothing on record to suggest that provisional bail of the opposite party no. 2 has been confirmed. There is nothing on record that opposite party no. 3 has misused the privilege of anticipatory bail.

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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