

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54332 of 2016

Arising Out of PS.Case No. -459 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Manju Devi, Wife of Umesh Mehta, Resident of village - Ratanpura, P.S. Baroon, District - Aurangabad at Present Bairiya, P.S. Mali, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Umesh Mehta, Son of Ram Charitar Mehta, Resident of village - Ratanpura, P.S. Baroon, District - Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey
For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-12-2016 Heard learned counsel for the parties.

The Opposite party No.2 is the husband of the petitioner.

He has been made accused in Complaint Case No. 459 of 2013 (Trial No. 1189 of 2016) of the offence punishable under Sections 323,323,307,498A, 379 read with Section 34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act. He has been granted bail by learned Sub Divisional Judicial Magistrate, Aurangabad by an order, dated 13.07.2016.

This application has been filed seeking cancellation of bail granted to Opposite party No.2 on the ground that the said order has been passed despite order of this Court dated 16.07.2015



passed in Cr. Misc. No. 48678 of 2014 and order dated 12.05.2016 passed in Cr. Misc. No. 16444 of 2016.

By an order, dated 16.07.2015, this Court had granted the petitioner privilege of anticipatory bail on certain conditions including a direction to surrender before the Court below within time specified in the said order. Subsequently, he applied for modification of the said order by filing Criminal Misc. No. 16444 of 2016 for extension of time to surrender before the Court below, which came to be rejected by an order dated 12.05.2016. The Opposite party No.2 accordingly, appeared before the Court of learned Sub Divisional Judicial Magistrate, Aurangabad and applied for release on bail. The Court below has released the Opposite party No.2 on bail by an order dated 13.07.2016.

There is nothing to show that after having been released on bail, the Opposite party No.2 has ever misused the privilege of bail.

Considering the circumstance, I am not inclined to entertain this application for cancellation of bail granted to Opposite party No.2.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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