

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37754 of 2014

Arising Out of PS.Case No. -61 Year- 2010 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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Kismita Devi W/o Umesh Yadav residnet of village- Rangila Bigha, P.S.-
Nalanda, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Umesh Yadav Son of Ramcharan Yadav residnet of village- Rangila
Bigha, P.S.- Nalanda, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Opposite Party/s : Mr. G.S. Gupta (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 04.04.2011 passed in Cr. Misc. No. 8628 of 2011 in
connection with Nalanda P.S. Case No. 61 of 2010, pending in the
court of learned CJM, Nalanda.

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 323, 337, 341, 494 and 498A of the Indian Penal

Code, on the submission on behalf of opposite party no. 2 that he is ready to keep the petitioner-informant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below within six months in two eventualities, if the matrimonial harmony is restored or the informant deliberately refuses to reside with opposite party.

It is submitted by learned counsel for the petitioner-complainant 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 03.04.2012, 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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