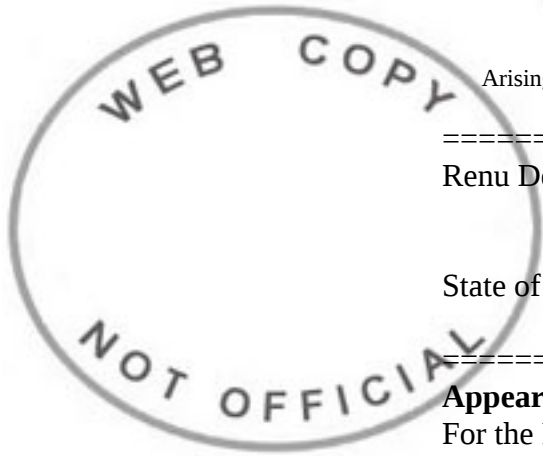




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31077 of 2014

Arising Out Complaint Case No. -904 Year- 2011 Thana -SITAMARHI COMPLAINT CASE
District- SITAMARHI

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Renu Devi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-10-2016 Heard learned counsels for the petitioner-

complainant and the State.

The present application has been filed for
cancellation of bail, granted to opposite party no. 2 being the
husband of the petitioner-complainant vide order dated
17.08.2012 in Criminal Miscellaneous No.29678/2012 in
connection with Complaint Case No.C-1/904 of 2011, pending in
the Court of learned SDJM, Sadar, Sitamarhi, wherein process
has been directed to be issued after cognizance being taken under
sections 498A of the Indian Penal Code.

The opposite party no.2 being husband of
petitioner-complainant was granted provisional anticipatory bail

for one year, on submission to keep her as wife with full dignity and honour. The provisional anticipatory bail of opposite party no.2 was to be confirmed by the learned Court below if the matrimonial harmony is substantially restored or if the complainant deliberately refuses to reside with the petitioner.

It is submitted by learned counsel for the petitioner-complainant that opposite party no.2 was granted provisional bail by this Court on 17.08.2012, but he suppressed the fact that he filed Matrimonial Suit No.51/2011 on 9.05.2011 before the Principal Judge, Family Court, Sitamarhi, with a prayer for divorce.

Since the ground of grant of bail to opposite party no.2 was not the pendency of matrimonial suit, moreover for cancellation of bail granted vide order dated 09.05.2011 the present application has been filed on 21.07.2014, the provisional bail of opposite party no.2 was confirmed on 04.09.2013 by the learned court below, this Court is not inclined to interfere. Moreover, there is nothing on record that opposite party no.2 has misused the privilege of anticipatory bail.

Accordingly, the present application for cancellation

of bail of opposite party no.2 stands disposed of.

However, the learned court below is expected to conclude the trial within a period of six months.

(Dinesh Kumar Singh, J)

Ashwini/-

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