

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36311 of 2014

Arising Out of PS.Case No. -288 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

Hena Kaushar, D/o Mohsin Akhtar , wife of Md. Rahat Alam. Resident
of village - Sitalmani , P.S. Azam Nagar , District - Katihar .

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Rahat Alam, S/o Md. Noorul Islam , Resident of village -
Majrahi, P.S. Azamnagar , District - Katihar .

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Prem Kr.Jha(App)

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 16.05.2013 passed in Cr. Misc. No. 17267 of 2013 in
connection with Complaint Case No. 288 of 2012, pending in the
court of learned Chief Judicial Magistrate, Katihar.

The opposite party no. 2 being the husband of
the petitioner-complainant 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 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 petitioner-complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below within one year on substantial restoration of the matrimonial harmony 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 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 15.05.2014, 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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