

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1552 of 2013

Arising Out of PS.Case No. -228 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE District-

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Hemlata Kumari W/O Santosh Kumar D/O Late Jiwacch Tiwari Resident
Of Village Asnagar, P.S. Kanti, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Santosh Kumar S/O Lakhindra Singh Resident Of Village Khodadpur,
P.S. Madhuban, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 05-10-2016

The present application has been filed for cancellation of bail of opposite party no. 2, who being the husband of the petitioner was granted provisional anticipatory bail for one year vide order dated 09.12.2011 passed in Cr. Misc. No. 41459 of 2011 in connection with Complaint Case No. 228 of 2011 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of learned SDJM, West, Muzaffarpur.

The opposite party no. 2 was granted provisional anticipatory bail on the undertaking to keep the

petitioner-complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below on substantial restoration of matrimonial harmony within a period of one year or if the petitioner-complainant deliberately refuses to reside with opposite party no. 2. There is nothing on the record to suggest that the provisional bail of opposite party no. 2 was confirmed. The provisional bail was granted vide order dated 09.12.2011 which lapsed on 08.12.2012 and after the same the present application for cancellation was preferred on 10.01.2013, hence, the present application is not maintainable.

Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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