

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25977 of 2013

Arising Out of PS.Case No. -1607 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

1. Momtaz Nisha W/O Rozid Alam Resident Of Village Gauri Sriram Bedauli, Tola Ghoghmalwa, Police Station Bishunpura, Post Office Dudahi, District Kushi Nagar (U.P.) At Present Residing At Daughter Of Salamat Village Tirvirwa, Police Station Gopalganj, District Gopalganj (Bihar).

.... Petitioner/s

Versus

1. State Of Bihar.
2. Rozid Alam S/O Rajjak Mian Resident Of Village Gauri Sriram Bedauli, Ghoghmalwa Tola, Police Station Bishunpur, Post Office Dudhahi, District Kushi Nagar (U.P.).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Dr.M.K.Gautam (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016

The present application has been filed for cancellation of provisional bail of opposite party no. 2 granted for one year vide order dated 08.05.2012 passed in Cr. Misc. No. 16955 of 2012, on readiness of the opposite party no. 2 being husband of the petitioner to keep the petitioner as wife with full dignity and honour in connection with Complaint Case No. 1607 of 2011, wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A and 406 of the Indian Penal Code. The provisional bail of the opposite party no. 2 was to be confirmed by learned Court below on substantial restoration of matrimonial harmony or if the petitioner deliberately refuses to reside with the

opposite party no. 2.

It is submitted by learned counsel for the petitioner that opposite party no. 2 failed to comply the undertaking given before this Court.

In view of this Court, the parameters for grant of bail and its cancellation are quite different. Moreover, since the period of provisional bail for one year has lapsed on 07.05.2013, hence, in view of this Court, the opposite party no. 2 is no longer on provisional bail. There is nothing on record to suggest that provisional bail of the opposite party no. 2 has been confirmed. Hence, the present cancellation application is not maintainable.

Accordingly the present application is disposed of.

It is expected from the learned Court below to pass appropriate order in the matter.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--