

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34944 of 2013

Arising Out of PS.Case No. -3516 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Julie Singh W/O Mritunjay Singh Resident Of Village- Semariya Vijay
Roy Ka Tola, P.S.- Rivilganj, District- Saran.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mritunjay Kumar Singh S/O Late Dhup Narayan Singh Resident Of
Village-Semariya Vijay Roy Ka Tola, P.S.-Rivilganj, District-Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-10-2016

The present application has been filed for cancellation of bail of opposite party no. 2 who was granted provisional anticipatory bail for one year vide order dated 26.04.2013 passed in Cr. Misc. No. 13030 of 2013, 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. 3516 of 2012, wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. 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 of one year has already lapsed on 25.04.2014, 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.

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

Accordingly the cancellation application is disposed of.

(Dinesh Kumar Singh, J)

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