

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44486 of 2016

Arising Out of PS. Case No.-18 Year-2016 Thana- BELAGANJ District- Gaya

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Guddi Kumari W/o- Pappu Yadav, D/o - Ravindra Yadav, Resident of Village- Dariyapur, P.S.- Belaganj, Distt- Gaya, presently residing at Village- Panari, P.S.- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pappu Yadav, S/o Satyendra Yadav, Resident of Village- Dariyapur, P.S.- Belaganj, Distt- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar
For the Opposite Party/s : Mr. SRI DAMODAR PRASAD TIWARY

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-09-2017 This matter is being taken up out of turn on the request of learned counsel for the petitioner through mentioning slip.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the wife of Opposite Party No. 2, has preferred the present application for cancellation of the provisional anticipatory bail granted to the Opposite Party No. 2 vide order dated 28.6.2016 passed in Cr. Misc. No. 18675 of 2016.

The Opposite Party No. 2 was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Sections 323,325,498A and 504 of



the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act on the submission and statement in paragraph 12 of the petition that the O.P. No. 2 is ready to keep the petitioner with full dignity and honour and the further statement made in paragraph 9 of the petition that the O.P. No. 2 has not performed second marriage. The provisional bail of the petitioner was to be confirmed by the learned Court below in three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the provisional bail of the O.P. No. 2 has not been confirmed by the learned Court below. However, my attention has been drawn to order dated 26.7.2016 passed by the learned ACJM- III, Gaya, as contained in Annexure 4 Series, wherein the learned Court below has observed that he has no jurisdiction to cancel the bail of O.P. No. 2 granted by this Court, and has given liberty to the petitioner to move before this Court for cancellation of the provisional anticipatory bail of O.P. No.2.

It appears that the provisional anticipatory bail of the O.P. No. 2 got lapsed on 27.6.2017, hence there is no occasion for cancellation of provisional bail by the learned Court below or



by this Court. The order dated 26.7.2017 reflects that the learned ACJM has not followed the purport of the order dated 28.6.2017 passed in Cr. Misc. No. 18675 of 2016.

Accordingly, this application is disposed of with a liberty to the learned Court below to proceed in the matter treating the O.P. No. 2 not on bail, after the lapse of the period of provisional anticipatory bail granted to him.

(Dinesh Kumar Singh, J)

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