

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44036 of 2016

Arising Out of PS.Case No. -159 Year- 2013 Thana -MADHUBANI TOWN District- MADHUBANI

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Radha Devi Wife Bipin Kumar, D/o Ganesh Jha Resident of village- Haveli, P.S.-
Biharsarif district- Nalanda, at Present residence of Ganga Sagar Chowk, Ward
No.- 18, P.S.- Town and District- Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. Bipin Kumar Son of Rajnandan Sharma Resident of village- Haveli, P.S.-
Biharsarif, District- Nalanda

.... Opposite Parties

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Appearance:

For the Petitioner : None

For the Opposite Parties : Mr. Pramod Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-06-2017

None appears on behalf of the petitioner despite repeated calls. Even earlier on 10.05.2017 and 17.05.2017 the petitioner had not appeared.

2. The present petition has been filed for cancellation of bail of the opposite party no. 2 granted by this Court by order dated 13.08.2014 passed in Cr. Misc. No. 14477 of 2014 in connection with Madhubani Town P.S. Case No. 159 of 2013 for the alleged offences under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The main ground taken in the petition for cancellation of bail is that the opposite party no. 2 has solemnised second marriage



during the pendency of the trial and has not shown his willingness to live together harmoniously with the petitioner.

4. Learned counsel for the opposite party no. 2 on the other hand submits that he is complying with all the conditions of bail and he has been making payment of Rs. 1,200/- per month to the petitioner. It is further submitted that the petitioner had filed a complaint in C.R. Case No. 616(CIS)/68(C.R.) of 2016 against the opposite party no. 2 and other accused persons alleging offences under Section 494 and other Sections of the Indian Penal Code. However, in absence of any material or ingredient constituting the offence under Section 494 of the Indian Penal Code, the learned Court did not take cognizance under the said provisions. It is, therefore, submitted that the allegation of the petitioner with regard to the opposite party no. 2 having solemnised second marriage, is entirely false and misconceived.

5. Having heard learned counsel for the opposite party no. 2, this Court finds no merit in the petition, which stands dismissed.

(Vikash Jain, J)

Chandran/BT

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Transmission Date	

