

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39321 of 2016

Arising Out of PS.Case No. -473 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rekha Kumari @ Rekha Devi, Wife of Sri Ajit Kumar Sah, D/o Raj Kumar Soni @ Rajaji, Resident of village – Khurd Bakra, P.O. + P.S. Bhagwanpur, District – Vaishali and Behind Tejpal Building Saraiganj Tower, Muzaffarpur. At present reside at Mohall – Satichura Colony, Behind Additional Registrar Office, P.O. Digha, P.S. Danapur, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajit Kumar Sah, Son of Sri Om Prakash Sah, Resident of village – Bhakhara, Khurd, P.S. Bhagwanpur, District – Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03 13-09-2017

Heard learned counsels for the petitioner and
the State.

The present application has been filed for
cancellation of provisional anticipatory bail, granted to opposite
party no. 2 vide order dated 11.04.2016 passed in Cr. Misc. No.
14348 of 2016 in connection with Complaint Case No. 473(C) of
2014, wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under Sections
323 and 498A of the Indian Penal Code, pending in the Court of
learned Additional Chief Judicial Magistrate, Danapur.

The basic accusation is of torture.

The opposite party no. 2, being the husband of



the petitioner, was granted provisional anticipatory bail for one year on submission of opposite party no. 2 that he is ready to keep the complainant as wife with full dignity and honour and statement to that effect has been made in paragraph 3 of the supplementary affidavit filed in the main petition.

The learned Court below was supposed to issue notice to the complainant and fix a date for her appearance. On appearance of the complainant, the opposite party no. 2 was supposed to take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of one year, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner made all efforts to reconcile the issue, but the issue could not be reconciled due to apathetic attitude of opposite party no. 2.

Considering the fact that the period of provisional anticipatory bail granted to opposite party no. 2 got



lapsed on 10.04.2017 and it is submitted that the same has not been confirmed till date, hence, the present application for cancellation of bail of opposite party no. 2 has become infructuous. Accordingly, this application is disposed of.

Let the learned Court below take steps in the matter keeping in view the fact that opposite party no. 2 is no longer on provisional anticipatory bail.

(Dinesh Kumar Singh, J)

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