

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54233 of 2016

Arising Out of PS.Case No. -4 Year- 2012 Thana -MAHILA PS District- BUXAR

=====

Soni Devi Wife of Sonu Choubey@Surendra Kumar Choubey Ojha R/o
Village- Ojha Ka Semari, P.S- Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sonu Choubey Son of Jai Prakash Choubey R/o Village - Shivpuri ,
P.S.- Buxar(T), District- Buxar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav

For the Opposite Party/s : Mr. Sri Lalan Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 02.08.2017

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, Sonu Choubey, vide a common order dated
22.10.2013, passed in Cr. Misc. No. 35898 of 2012 and in Cr.
Misc. No. 23723 of 2012.

It is submitted by learned counsel for the
petitioner that in pursuance to order dated 22.10.2013, passed in
Cr. Misc. No. 35898 of 2012 and 23723 of 2012, the petitioner
being the husband of the informant-complainant was granted
provisional anticipatory bail.



Opposite party no. 2, Sonu Choubey is facing prosecution in Buxar Mahila P.S. Case No. 04 of 2012, registered for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code as well as in Complaint Case No. 754(C) of 2011, wherein, process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 406 of the Indian Penal Code. Opposite party no. 2 was granted provisional anticipatory bail for one year, when the petitioner and opposite party no. 2 agreed to resume the conjugal life and both sides agreed to appear before the learned court below on 28th of October, 2013. The provisional bail was to be confirmed by the learned court below in three eventualities (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant/complainant is reluctant to reconcile the issue; (iii) or if the informant/complainant fails to appear before the learned court below.

It is submitted by learned counsel for the petitioner that provisional anticipatory bail granted to opposite party no. 2, has not been confirmed. However, opposite party no. 2 was directed to pay interim maintenance of Rs.6,000/- per month by Principal Judge, Family Court, Buxar vide order dated 06.11.2014, passed in Misc. Case No. 94 of 2011, but the said



order was challenged by opposite party no. 2, vide Cr. Misc. No. 34548 of 2014, when a co-ordinate Bench of this Court reduced the quantum of interim maintenance from Rs.6,000/- per month to Rs.3,000/- per month and further proceeding of the Misc. Case No. 94 of 2011 was directed to be stayed.

Considering the fact that the provisional bail got lapsed on 21.10.2014, the provisional bail granted to the petitioner lost its effect on 21.10.2014 itself, while the present cancellation application has been filed on 15.12.2016. Hence, the present application for cancellation of bail of opposite party no. 2 is not maintainable. Accordingly, this application is disposed of as infructuous.

(Dinesh Kumar Singh, J)

DKS/-

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

