

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32869 of 2017

Arising Out of PS.Case No. -2 Year- 2013 Thana -MAHILA PS District- KHAGARIA

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Guriya Kumari, D/o Satya Narayan Prasad Yadav, W/o Pintu Kumar Yadav @ Anoj Kumar @ Pintu Kumar, Resident of Village- Usari, P.S.- Gogari, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pintu Kumar Yadav @ Anoj Kumar @ Pintu Kumar, S/o Umesh Prasad Yadav, Resident of Village- Sansarpur, P.S.- Muffasil, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 03-10-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The present application has been filed for cancellation of provisional anticipatory bail of opposite party no. 2, Pintu Kumar Yadav @ Anoj Kumar @ Pintu Kumar, who being the husband of the informant, was granted provisional anticipatory bail for one year vide order dated 10.05.2013 passed in Cr. Misc. No. 15838 of 2013.

The opposite party no. 2 preferred the aforesaid application with a prayer for anticipatory bail in connection with Khagaria Mahila P.S. Case No. 02 of 2013



registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned Chief Judicial Magistrate, Khagaria.

On submission made on behalf of the opposite party no. 2 (petitioner in the main petition) that he is ready to keep the informant-petitioner (opposite party no. 2 in the main petition) with full dignity and honour, the opposite party no. 2 was granted provisional anticipatory bail one year. The learned Court below was supposed to issue notice to the informant and on her appearance the opposite party no. 2 was to take the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail of the opposite party no. 2 was to be confirmed by the learned Court below in two eventualities:- (i) if the matrimonial harmony is substantially restored or (ii) if the informant deliberately refuses to reside with the opposite party no. 2.

It is submitted by learned counsel for the petitioner that till filing of the application for cancellation of the provisional anticipatory bail, the provisional anticipatory bail of the opposite party No. 2 has not been confirmed. However, the bail bond of opposite party no. 2 has been cancelled by the learned



Court below.

Keeping in view the fact that provisional anticipatory bail was granted to opposite party no. 2 for one year which got lapsed on 09.05.2014 whereas the present cancellation application has been registered on 13.07.2017, the present cancellation application is not maintainable, since the opposite party no. 2 is no longer on provisional bail.

Accordingly, the present application is dismissed.

It is expected from the learned Court below to pass an appropriate order for appearance of opposite party no. 2.

(Dinesh Kumar Singh, J)

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