

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30175 of 2017

Arising Out of PS. Case No.-2126 Year-2014 Thana- COMPLAINT CASE District- Jamui

Sheela Devi

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Opposite Party/s : Smt. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-04-2018 Heard learned counsels for the petitioner-complainant and the State.

The present application has been filed for cancellation of bail, granted to opposite party no. 2, being the husband of the petitioner-complainant, vide order dated 21.09.2016, passed in Criminal Miscellaneous No.40813/2016, in connection with Complaint Case No.2126 C of 2014, pending in the Court of learned SDJM, Jamui, wherein, process has been directed to be issued after cognizance being taken under Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The opposite party no.2, being husband of petitioner-complainant was languishing in custody since 03.08.2016, hence, this Court vide order dated 21.09.2016 directed him to be released on bail, on submission and statement made in



paragraph no. 7 of Criminal Miscellaneous No.40813/2016 to the effect that he is ready to keep the complainant as wife with full dignity and honour. It was also observed by this Court that granting of bail to opposite party no.2 will not preclude the complainant to resume the conjugal life and if the petitioner-complainant files such application before the learned Court below, then the learned Court below will issue notice to the opposite party no.2 (the husband) to appear when the opposite party no.2 (husband) will be obliged to comply the undertaking given before this Court.

It is submitted by learned Counsel for the petitioner that after release the opposite party no. 2 took the petitioner to the matrimonial house, and after some time, he deserted the petitioner and now the opposite party no.2 has filed the matrimonial suit with a prayer for divorce. Hence, the present application for cancellation of bail.

The parameter for grant of bail and its cancellation are quite different. The opposite party no.2 was granted bail basically considering the period of custody on the date of passing of the bail order, which was one and half month and the nature of accusation coupled with stand of the opposite party no.2 that he is ready to keep the petitioner- complainant



as wife with full dignity and honour. If the issue is not resolved despite the petitioner-complainant and opposite party no.2 having made an attempt to resolve the same, then it does not amount misuse of privilege of bail.

In the circumstances, this Court is not inclined to entertain the present application.

Accordingly, it is disposed of.

(Dinesh Kumar Singh, J)

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