

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49615 of 2016

Arising Out of PS.Case No. -1132 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Mikky Devi Wife of Ravi Kumar Singh, D/o Prem Chand Singh Resident of
Village- Madhubani Ghat, P.S.- Motihari Mufassil, District- East
Champaran, at present R/o village- Pardesiya, Police Station and District-
Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ravi Kumar Singh S/o Sri Krishan Bihari Singh Resident of Village-
Madhubani Ghat, P.S.- Motihari Mufassil, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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

02/ 16-05-2018

The present application has been filed for
cancellation of provisional anticipatory bail granted to opposite
party no. 2 vide order dated 11.01.2016 passed in Cr. Misc. No.
1474 of 2016 on the ground of misuse.

The factual matrix of the case is that the
Opposite party no. 2 being the husband of the complainant
preferred Cr. Misc. No. 1476 of 2016 with a prayer for
anticipatory bail in a complaint case, wherein process has been



directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

The opposite party no. 2 was granted provisional anticipatory bail on his submission and statement made in paragraph 9 of the main petition that he is ready to keep the complainant as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities; if the matrimonial harmony is substantially restored or if the complainant fails to appear before the learned court below or if the complainant gets reluctant to reconcile the issue.

On specific query made by this Court, learned counsel for the petitioner submits that the provisional bail of opposite party no. 2 has not been confirmed. The period of provisional bail got lapsed on 10.01.2017. The present application for cancellation of bail has been registered on 17.11.2016. Hence, the present application for cancellation of bail is not maintainable since the opposite party no. 2 is no longer on bail.

In the circumstances, the petitioner is at liberty



to move before the learned Court below for proceeding in the matter in accordance with law.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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