

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30921 of 2016

Arising Out of PS.Case No. -87 Year- 2013 Thana -PIPRAKOTHI District- EASTCHAMPARAN
(MOTIHARI)

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Deepa Devi wife of Sonalal Sharma resident of Village- Barharwa, P.O. +
P.S.- Motihari, Muffasil, District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sonalal Sharma son of Jata Thakur resident of Village- Bada Gachhi,
P.O. and P.S. - Pipra Kothi District-East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 19-09-2018

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, Sonalal Sharma, who being the husband of the informant, was
granted provisional anticipatory bail for one year vide order dated
11.01.2016 passed in Cr. Misc. No. 58374 of 2015 in connection
with Pipra Kothi P.S. Case No. 87 of 2013 registered for the
offences punishable under Sections 498A/315/34 of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act,
pending in the Court of learned SDJM, Sadar Motihari, East



Champaran.

On submission made on behalf of the opposite party no. 2 that he is ready to keep the informant with full dignity and honour and the offer being accepted by the informant the opposite party no. 2 was granted provisional anticipatory bail for 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 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) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned Court below or (iii) if the informant gets reluctant to reconcile the issue. There is nothing on record to suggest that the provisional bail has been confirmed by the learned Court below.

Since the period of provisional anticipatory bail got lapsed on 10.01.2017 hence, the opposite party no. 2 is not on bail. Accordingly, the present application for cancellation of bail is absolutely misconceived.

In the circumstances, the present application is dismissed as infructuous.

It is expected from the learned Court below to



pass appropriate order for appearance of opposite party no. 2, if he
is not on bail.

(Dinesh Kumar Singh, J)

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