

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1208 of 2018

Arising Out of PS. Case No.-552 Year-2016 Thana- MUNGER COMPLAINT CASE
District- Munger

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Gulshan Ara, Wife of Md. Zakir Hussain, Daughter of Md. Sallauddin @ Md. Shabuddin resident of Mohalla Gajipur, Bichla, P.S. Tarapur, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. Md. Zakir Hussain @ Md. Jakir Hussain, Son of Md. Shafi Ahmad, Resident of Mohalla Shafiquee Nagar Ukhra, P.S. Ukhra, District Burdwan(West Bengal).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha
For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-09-2018 Heard learned counsels for the parties.

The present application has been filed for cancellation of provisional anticipatory bail for a period of six months granted to O.P. No. 2, Md. Zakir Hussain vide order dated 26.10.2016 in Cr. Misc. No. 46995 of 2016.

The factual matrix of the case is that O.P. No. 2 being the husband of the petitioner, preferred Cr. Misc. No. 46995 of 2016 for grant of anticipatory bail in Complaint Case No. 552 of 2016 pending in the Court of learned ACJM-III, Munger wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC. On the submission made by learned counsel for the



O.P. No. 2 that he is ready to keep the petitioner as wife with full dignity and honour, and statement to that effect being made in paragraph 12 of the petition, the O.P. No. 2 was granted provisional anticipatory bail for six months. The learned Court below was at liberty to issue notice to the petitioner and on her appearance the O.P. No. 2 was to take the petitioner to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail was to be confirmed in three eventualities- (i) if the matrimonial harmony is substantially restored or (ii) if the complainant petitioner failed to appear or (iii) if the complainant petitioner deliberately refuses to reside with the O.P. No. 2.

It is submitted by learned counsel for the petitioner that the provisional bail of O.P. No.2 has not been confirmed. The provisional bail got lapsed on 25.04.2017, whereas when the present application for cancellation of bail has been registered on 06.01.2018.

In considered view of this Court, this application is not maintainable, since O.P. No. 2 is no longer on provisional bail in pursuance to the order of this Court. Accordingly, this application is dismissed as not maintainable.

However the learned Court below will pass



appropriate order with regard to appearance of O.P. No. 2.

(Dinesh Kumar Singh, J)

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