

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21571 of 2017

Arising Out of PS. Case No.-330 Year-2015 Thana- DANAPUR District- Patna

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Nisha Kumari, wife of Manoj Kumar, Resident of Mohalla Saguna Mainpura,
Behind Kali Mandir, Danapur Cantt., P.S. Danapur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Kumar, Son of Sohawan Mistri, Resident of Mohalla - Saguna Mainpura, Behind Kali Mandir, Danapur Cantt., P.S. Danapur, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.
For the Opposite Party/s : Sri Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-09-2018 Heard learned counsels for the petitioner-informant
and the State.

The present miscellaneous application has been
filed for cancellation of bail, granted to opposite party no. 2,
being the husband of the petitioner-informant, vide order dated
04.11.2015, in Criminal Miscellaneous No.51276 of 2015, in
connection with Danapur P.S. Case No.330 of 2015, pending in
the Court of learned Additional Chief Judicial Magistrate,
Danapur, Patna, registered for the offences punishable under
Sections 341, 323 and 498A of the Indian Penal Code.

Basic accusation is of torture.

The opposite party no.2, being husband of



petitioner-informant, was granted provisional anticipatory bail for one year, on submission and statement made in paragraph no.11 of the main petition to the effect that he is ready to keep the informant as wife with full dignity and honour. Such offer of the opposite party no.2 was acceptable to the informant. The provisional anticipatory bail of opposite party no.2 was to be confirmed by the learned Court below in three eventualities :-
(i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned Court below, or (iii) if the informant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner-informant that opposite party no.2 failed to comply the undertaking given before this Court.

It appears that the period of provisional bail got lapsed on 03.11.2016, hence, the opposite party no.2 is no longer on provisional bail.

It is further submitted by learned counsel for the petitioner-informant that there is nothing on record to suggest that the provisional bail of opposite party no.2 has been confirmed by the learned court below.

In the circumstances, the present application for cancellation of provisional bail of opposite party no.2 has



become infructuous and accordingly, it is disposed of.

However, if opposite party no.2 is no longer on bail, then the learned Court below will take appropriate steps for his appearance.

The present order will not preclude the learned Court below to get the issue reconciled in view the present stand of the informant that he is still ready to resume the conjugal life.

(Dinesh Kumar Singh, J)

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