

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56633 of 2017

Arising Out of PS. Case No.-1594 Year-2015 Thana- GAYA COMPLAINT CASE District-
Gaya

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Nahid Sanower, wife of Md. Imteyaz and daughter of Md. Iftekhhar, resident of Mohalla- Hajipur, Gola, P.S.- Rafiganj, District- Aurangabad, at present residing at Mohalla- Gawal Bigha Ward no.- 35 Taj House, P.S.- Panapur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Imteyaz, son of Md. Iltab Hussain, resident of Mohalla- Hajipur Gola, P.S. Rafiganj, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan

For the Opposite Party/s : Smt. Asha Devi

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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. Imteyaz vide order dated 21.09.2016 in Cr. Misc. No. 41423 of 2016.

The factual matrix of the case is that O.P. No. 2 being the husband of the petitioner, preferred Cr. Misc. No. 41423 of 2016 for grant of anticipatory bail in Complaint Case No. 1594 of 2015 pending in the Court of learned ACJM-IV, Gaya wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A, 323 and 504 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 15 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 gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that provisional bail of the O.P. No.2 has not been confirmed. The provisional bail of O.P. No. 2 got lapsed on 20.03.2017, whereas the present application for cancellation of bail has been registered on 21.11.2017.

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.

(Dinesh Kumar Singh, J)

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