

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62558 of 2017

Arising Out of PS. Case No.-70 Year-2016 Thana- NALANDA District- Nalanda

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Priyanka Kumari W/o Rajiv Kumar D/o Kumar Awadhesh Singh, R/o Village- Bidupur, Police Station- Nalanda, District- Nalanda at present Village- Bhagwan Bigha, P.S.- Ekanagar Sarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajiv Kumar S/o Uday Yadav, R/o Village- Bidupur, P.S.- Nalanda, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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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 one year granted to O.P. No. 2, Rajiv Kumar vide order dated. 04.08.2016 in Cr. Misc. No. 32918 of 2016.

The factual matrix of the case is that O.P. No. 2 being the husband of the petitioner, preferred Cr. Misc. No. 32918 of 2016 for grant of anticipatory bail in Nalanda P.S. Case No. 70 of 2016 pending in the Court of learned CJM, Nalanda registered for the offences punishable under Sections 498A,341,342,323,504 and 506/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act. 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 7 of the petition, the O.P. No. 2 was granted provisional anticipatory bail for one year. 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 informant petitioner failed to appear or (iii) if the informant petitioner gets reluctant to reconcile the issue.

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 03.07.2017 when the present application for cancellation of bail has been registered on 20.12.2017.

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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