

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27171 of 2017

Arising Out of PS.Case No. -1638 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

=====

Nikhat Parween Wife of Md. Kamrul Hoda, D/o Syed Ashffaque Ashffaque Ahmad, Residnet of Mohalla- Sera Md. Bhingo, Ward No.- 30, P.S.- Laheria Sarai., Darbhanga, at present Residing at Village- Rahimpur Rudauli, P.S.- Harpur Alloth, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Md. Kamrul Hoda, Son of Md. Nurul Hoda, Resident of Mohalla- Sera Md. Bhingo, Ward No. 30, P.S.- Laheriasarai, District- Darbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Ambastha

For the Opposite Party/s : Mr. Sri Sakir Ahmad

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 26-09-2018

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, Md. Kamrul Hoda, who being the husband of the complainant-petitioner, was granted provisional anticipatory bail for six months vide order dated 21.07.2016 passed in Cr. Misc. No. 29808 of 2016 in connection with Complaint Case No. 1638 of 2014, wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act,



pending in the Court of learned SDJM, Samastipur.

On submission made on behalf of the opposite party no. 2 that he is ready to keep the complainant with full dignity and honour and the offer being accepted by the informant, the opposite party no. 2 was granted provisional anticipatory bail for six months. The learned Court below was supposed to issue notice to the complainant and on her appearance the opposite party no. 2 was to take the complainant 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 complainant fails to appear before the learned Court below or (iii) if the complainant 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 20.01.2017, hence, apparently the opposite party no. 2 is no longer on provisional anticipatory bail by virtue of the order of this Court dated 21.07.2016.

In the circumstances, this Court is not inclined to interfere and accordingly, this application is dismissed.

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)

DKS/-

U		T	
---	--	---	--

