

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44465 of 2016

Arising Out of PS.Case No. -601 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Rahmtun Nisha Daughter of Md. Sahbul, Resident of Village- Halbaida
(Chharka Tola), Post Office- Roshna, Police Station- Amdabad, District-
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Wasim Son of Misir Ali, Resident of Village- Halbaida (Chharka
Tola), Post Office- Roshna, Police Station- Amdabad, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Patil

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 19-09-2018

Heard learned counsel for the petitioner and
learned APP for the State.

The present application has been filed for
cancellation of bail of opposite party no. 2, Md. Wasim, who
being the husband of the complainant, was granted bail vide order
dated 21.07.2016 passed in Cr. Misc. No. 22314 of 2016 in
connection with Complaint Case No. 601 of 2013, wherein
processes were issued after cognizance being taken for the
offences punishable under Sections 498A/34 of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act, pending in the



Court of learned SDJM, Katihar.

Earlier opposite party no. 2 was granted anticipatory bail by this Court on 17.03.2015 vide Cr. Misc. No. 47172 of 2014 on his readiness to make payment of Rs.1500/- per month from April, 2015. The complainant was at liberty to file application for cancellation of bail of opposite party no. 2 in case of non-payment of the undertaken amount. It appears that the bail bond of opposite party no. 2 was cancelled and subsequently he was taken into custody on 02.03.2016. Subsequently, this Court vide order dated 21.07.2016 passed in Cr. Misc. No. 22314 of 2016, granted bail to the opposite party no. 2 consider the period under custody. The present cancellation has been filed on the ground of default in making payment of maintenance amount.

Considering the fact that for default in making payment of maintenance amount, the opposite party no. 2 was taken into custody and hence, that cannot be a ground for cancellation of bail of opposite party no. 2. The parameters for grant of bail and its cancellation are quite different. The bail is granted considering the nature of accusation while the bail is cancelled if it is found that the accusation has been granted bail suppression of material facts or has misused the privilege of bail or has indulged in some serious offence, subsequent thereto.



Accordingly, this Court does not find any merit
in this application and it is dismissed.

(Dinesh Kumar Singh, J)

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