

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31411 of 2016

Arising Out of PS.Case No. -340 Year- 2014 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

=====

Lalitu Devi, wife of Dharmendra Chauhan, Daughter of Basant Chauhan,
Resident of Village Bishunpur P.S. Manpur, District Nalanda, at present
Resident of Village Beldariya, P.O. Raitar, P.S. Giriyak, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Dharmendra Chouhan, Son of Ramotar Chouhan, resident of Village
Bishunpur P.S. Manpur, District Nalanda.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Smt Renu Kumari

=====

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

ORAL ORDER

02/ 19-09-2018

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, Dharmendra Chouhan, who being the husband of the informant,
was granted provisional anticipatory bail for one year vide order
dated 11.09.2015 passed in Cr. Misc. No. 43191 of 2015 in
connection with Giriyak P.S. Case No. 340 of 2014 registered for
the offences punishable under Sections 341, 323, 379, 498A/34 of
the Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act, pending in the Court of learned Judicial Magistrate, Ist Class,



Nalanda at Biharsharif.

On submission made on behalf of the opposite party no. 2 that he is ready to keep the informant with full dignity and honour and the offer being accepted by the informant, the opposite party no. 2 was granted provisional anticipatory bail for one year. Both sides agreed to appear before the learned Court below on 1st of October, 2015, when opposite party no. 2 was to take the informant 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 informant fails to appear before the learned Court below or (iii) if the informant 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 10.09.2016 hence, the opposite party no. 2 is not on bail. Accordingly, the present application for cancellation of bail is absolutely misconceived.

In the circumstances, the present application is dismissed as infructuous.

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	
---	--	---	--

