

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4689 of 2019

Arising Out of PS. Case No.-100 Year-2015 Thana- BAIRIYA District- West Champaran

Nandlal Yadav Dhoop Yadav Resident of Village-Bagahi Lamuiya Tola, P.S.-
Bairiya, Distt.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Supdt. of Police, Bettiah, West Champaran and Anr Bihar
2. Ajay Yadav @ Ajay Kumar Yadav Sri Nawal Yadav Resident of Village-Pathari Ghat, Hospital Road, Bettiah, P.S.-Bettiah, Distt.-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2019 Heard learned counsels for the parties.

The present application has been filed for cancellation of provisional anticipatory bail granted to O.P. No. 2 vide order dated 18.2.2016 passed in Cr. Misc. No. 41360 of 2015 in connection with Bairia P.S. Case No. 100 of 2015 registered for the offences punishable under Section 498A of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The factual matrix of the case is that the O.P. No. 2 preferred Cr. Misc. No. 52783 of 2016 with a prayer for extending the period of provisional bail since the enquiry could not be concluded. Hence, this Court vide order dated 3.5.2017 extended the period of provisional anticipatory bail of the O.P. No. 2 by four months.



It is submitted by learned counsel for the petitioner that now vide order dated 12.9.2018 the learned SDJM, West Champaran at Bettiah in Tr. No. 1271 of 2018, as contained in Annexure P/5, has come to a conclusion that the O.P. No.2 was married with the daughter of the petitioner. Relevant portion of the order reads as follows:

“UPROKT TATHYON AVAM PARISTHITIYON KE ADHAR PAR MAIN PATA HUN KI ABHIYUKTA AJAY YADAV KI SHADI SUCHAK KI PUTRI RAVITA KUMARI KE SATH HINDU RITI RIWAZ KE SATH SAMPANNA HUI THI.”

Considering the fact that the period of provisional anticipatory bail of O.P. No.2 got lapsed on 2.9.2017 whereas the present application was registered on 28.1.2019, hence this application is not maintainable since O.P. No. 2 is no longer on provisional anticipatory bail. Moreover, the provisional bail of the petitioner was to be confirmed if the learned court below would have come to a conclusion that petitioner has never married with O.P. No. 2 otherwise the O.P. No. 2 was to surrender and pray for regular bail.

In the circumstances this application is disposed of.

Let the learned court below proceed in the matter in



accordance with law.

(Dinesh Kumar Singh, J)

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