

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6481 of 2016

Arising Out of PS. Case No.-126 Year-2014 Thana- DIGHWARA District- Saran

Fatma Khatoon wife of Md. Kaishar Ali @ Kaishar Ali, resident of village-
Basti Jalal, P.S.- Dighwara, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Kaishar Ali @ Kaishar Ali, son of Shaukat Ali, resident of village- Basti Jalal, P.S.- Dighwara, District- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma
For the Opposite Party/s : Mr.Ram Chandra Sahniapp

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2019 The present application has been filed for cancellation of provisional anticipatory bail, granted to opposite party no. 2 vide order dated 02.11.2015 passed in Cr. Misc. No. 49124 of 2015.

Opposite party no. 2, being the husband of petitioner, preferred Cr. Misc. No. 49124 of 2015 with a prayer for anticipatory bail in connection with Dighwara P.S. Case No. 126 of 2014 registered for the offences punishable under Sections 341, 323, 504, 498A, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned Judicial Magistrate, Ist Class, Saran at Chapra.

The basic accusation was of torture for non-fulfillment of dowry demand.

On submission made on behalf of opposite party no. 2



and statement that the opposite party no. 2 is ready to keep the petitioner as wife with full dignity and honour, the opposite party no. 2 was granted provisional anticipatory bail for one year vide order dated 02.11.2015. The learned Court below was supposed to issue notice to the informant and on her appearance the petitioner was supposed 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) on substantial restoration of the matrimonial harmony or (ii) if the informant gets reluctant to reconcile the issue or (iii) if the informant fails to appear before the learned Court below.

Learned counsel for the petitioner submits that the provisional anticipatory bail has not been confirmed.

Considering the fact that the period of provisional anticipatory bail got lapsed on 01.11.2016, hence, the opposite party no. 2 is no longer on provisional bail and hence, the present application for cancellation of bail is not maintainable.

Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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