

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16432 of 2013

Arising Out of PS. Case No.-532 Year-2012 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Priti Devi W/O Subodh Tiwari, D/O Durga Pandey Resident Of- Sematar,
P.S.- Guthani, District- Siwan, At Present Resident Of Bajriya, P.S.- Bankata,
District- Deoria U.P.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Subodh Tiwari, a resident of Sematar, P.S. Guthani, District – Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Mouar
For the Opposite Party/s	:	Mr.Dr.Rabindra Kumarapp

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2019 The present application has been filed for

cancellation of provisional anticipatory bail, granted to opposite
party no. 2, Subodh Kumar Tiwary @ Subodh Tiwary, who,
being the husband of the complainant, preferred Cr. Misc. No.
25697 of 2012 with a prayer for anticipatory bail in connection
with Complaint Case No. 532 of 2012, wherein process was
directed to be issued after cognizance being taken for the
offences punishable under Sections 498A, 323 and 504 of the
Indian Penal Code.

The basic accusation was of torture.

The specific case of opposite party no. 2 was that he is
ready to keep the complainant as wife with full dignity and
honour and has also filed restitution case. On accepting the offer



of opposite party no. 2 by the complainant and on their joint submission that they are ready to appear before the learned Court below on 02.08.2012 when the opposite party no. 2 was supposed to take the complainant to her matrimonial house to keep her as wife with full dignity and honour, the opposite party no. 2 was granted provisional anticipatory bail for one year vide order dated 26.07.2012. The provisional bail was to be confirmed by the learned Court below in three eventualities:- (i) if the matrimonial harmony is restored substantially within one year or (ii) the complainant deliberately refuses to reside with the petitioner-opposite party no. 2 or (iii) she fails to appear before the learned Court below.

Considering the fact that the period of provisional anticipatory bail got lapsed on 25.07.2013, it is not in dispute that the provisional bail has not been confirmed and the fact that opposite party no. 2 is no longer on bail by virtue of the present order dated 26.07.2012 passed in Cr. Misc. No. 25697 of 2012, hence, the very cancellation is absolutely baseless and misconceived.

Accordingly, this application is dismissed.

However, in view of the facts discussed above, opposite party no. 2 is no longer on bail, hence, the learned Sub-



divisional Judicial Magistrate, Siwan shall pass appropriate orders in connection with Complaint Case No. 532 of 2012 for the appearance of opposite party no. 2.

(Dinesh Kumar Singh, J)

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