

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18095 of 2019

Arising Out of PS. Case No.-3989 Year-2013 Thana- COMPLAINT CASE District- Araria

Sabana Kauser @ Sabina Kausar Wife of Md. Kalim, D/o Anwarul Haque
Resident of Village - Kala Balwa , P.S.- Raniganj, Distt- Araria., At Present
Resident of Village - Simraha, Madarganj, P.S.- Simraha, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Kalim Son of Late Shah Mehruddin, Resident of Village - Kala Balwa,
P.S.- Raniganj, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Ziaul Quamar
For the Opposite Party/s	:	Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2019 The present application has been filed for cancellation of provisional anticipatory bail of opposite party no. 2, Md. Kalim, being the husband of the petitioner, who was granted provisional anticipatory bail vide order dated 06.10.2015 passed in Cr. Misc. No. 46989 of 2015 in connection with Complaint Case No. 3989C of 2013 wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, pending in the Court of learned SDJM, Araria.

The basic accusation as per complaint petition is of torture inflicted at the hands of the petitioner and other in-law family members due to non-fulfillment of further dowry



demand.

The opposite party no. 2 was granted provisional anticipatory bail for a period of one year vide order dated 06.10.2015 on ground of submissions made coupled with the statement in the main petition to the effect that the opposite party no. 2 is ready to keep the complainant-petitioner as wife with full dignity and honour when learned Court below was given liberty to issue notice to the complainant and on her appearance, the opposite party no. 2 was supposed to take the complainant-petitioner to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned Court or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the provisional anticipatory bail granted to opposite party no. 2 has not been confirmed, though, statement to that effect has not been made in the petition.

Hence, the period of provisional anticipatory bail of opposite party no. 2 got lapsed on 05.10.2016, whereas the present cancellation application has been registered on



19.03.2019.

In view of the above submission of the learned counsel for the petitioner, opposite party no. 2 is no longer on provisional anticipatory bail in pursuance to order dated 06.10.2015 passed in Cr. Misc. No. 46989 of 2015, hence, the present application is absolutely misconceived and accordingly, it is dismissed.

(Dinesh Kumar Singh, J)

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