

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46126 of 2014

Arising Out of PS. Case No.-38 Year-2012 Thana- DARAUNDA District- Siwan

Saroj Devi, Wife of Rama Shankar Chauhan, Daughter of Shiv Shankar Chouhan Resident of village - Khardara Nonia Tola, P.S. Asaon, District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rama Shankar Chauhan Son of Prahlad Chauhan Resident of village - Jhajhawa Nawka Tola, P.O. Bal - Bangara, P.S. Daraunda, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mrs.Shahin Begum, APP

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, Ramashankar Chauhan, who being the husband of the informant preferred Cr. Misc. No. 34148 of 2012 with a prayer for anticipatory bail in connection with Daraunda P.S. Case No. 38 of 2012 registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

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

On submission of learned counsel for the petitioner-



opposite party no. 2 that the petitioner-opposite party no. 2 is ready to keep the informant as wife with full dignity and honour and such offer being accepted by the informant, the opposite party no. 2 was granted provisional anticipatory bail for one year vide order dated 13.09.2012 passed in Cr. Misc. No. 34148 of 2012. Both sides agreed to appear before the learned Court below on 8th of October, 2012 when the petitioner-opposite party no. 2 was supposed to take the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below either on substantial restoration of matrimonial harmony or if the informant deliberately refuses to reside with the petitioner-opposite party no. 2.

Considering the fact that the period of provisional anticipatory bail got lapsed on 12.09.2013 when the present cancellation application was registered on 17.11.2014, 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 earlier order of grant of provisional bail, hence, the very cancellation is absolutely baseless and misconceived.

Accordingly, this application is dismissed.

However, since opposite party no. 2 is not on bail



learned Chief Judicial Magistrate, Siwan pass appropriate orders
in connection with Daraunda P.S. Case No. 38 of 2012 for the
appearance of opposite party no. 2.

(Dinesh Kumar Singh, J)

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