

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47171 of 2014

Arising Out of PS. Case No.-2038 Year-2011 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Bibi Safina Khatoon @ Safina Khatoon Wife of Md. Pintu @ Md. Jamil Akhtar, D/o- Md. Maksood Presently residing in Village - Narayanpur, P.S. - Isipur Barahat, District -Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Jamil Akhtar @ Jamil Akhtar @ Md. Pintu @ Pintu Ansari Son of Gulam Rasul Resident of Village -Shampur, P.S. - Isipur Barahat, District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh

For the Opposite Party/s : Mr.T.N.Thakur App

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2019 The present application has been filed for cancellation of provisional anticipatory bail, granted to opposite party no. 2 vide order dated 18.09.2013 passed in 25359 of 2013.

The factual matrix of the case is that opposite party no. 2, being the husband of the complainant, preferred Cr. Misc. No. 25359 of 2013 along with others with a prayer for anticipatory bail in Complaint Case No. 2038 of 2011, wherein process was directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned SDJM, Bhagalpur. On the ground of submission of opposite party no. 2 that he is ready to keep the complainant as



wife with full dignity and honour, he was granted provisional anticipatory bail vide order dated 18.09.2013 for one year when learned Court below was given liberty to issue notice to the complainant and to fix a date for her appearance before the Court. On her appearance, opposite party no. 2 was supposed to take the complainant to keep her as wife with full dignity and honour. The provisional anticipatory bail was supposed to be confirmed by the learned Court below in three eventualities (i) on substantial restoration of the matrimonial harmony within a period of one year or (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant is reluctant to reconcile the issue.

It appears that the period of provisional anticipatory bail got lapsed on 17.09.2014, whereas the present application was registered on 24.11.2014 and there is nothing on record to suggest that provisional anticipatory bail of opposite party no. 2 was ever confirmed.

In the circumstances, since the opposite party no. 2 is no longer on bail, the present application for cancellation of bail is not maintainable and accordingly, it is dismissed.

(Dinesh Kumar Singh, J)

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