

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7376 of 2018

Arising Out of PS. Case No.-643 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Sangeeta Devi @ Sangeeta Kumari Verma W/o Sri Vikrant Kumar Verma,
R/o Mohalla- Bahri, Begumpur, Mandipar, P.S.- Bypass, District- Patna.
... .. Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Patna
2. Vikrant Kumar Verma S/o Sri Chandra Narayan Verma, R/o Mohalla-
Mohammadpur, Flat No. 85, R.K. Puram New Delhi, P.S.- R.K. Puram,
District- New Delhi, Pin No.110065.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Manglam
For the Opposite Party/s : Mr.Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-09-2019 Heard learned counsels for the petitioner-
complainant and the State.

The present application has been filed for
cancellation of bail, granted to opposite party no. 2, being the
husband of the petitioner-complainant, Vikrant Kumar Verma,
vide order dated 07.09.2015 in Criminal Miscellaneous No.
42348 of 2015 in connection with Complaint Case No.643 of
2014, pending in the Court of learned ACJM, Patna City, Patna,
wherein process has been directed to be issued after cognizance
being taken under Section 498A of the Indian Penal Code.

The opposite party no.2, being husband of
petitioner-complainant was granted provisional anticipatory



bail for one year, on submission and undertaking made in paragraph no.12 of the main petition to the effect that the opposite party no.2 is ready to keep the complainant as wife with full dignity and honour. During hearing of the bail petition, it was also submitted by learned counsel for the petitioner that Matrimonial Case No. 394 of 2014 was also filed by the petitioner for restitution of conjugal rights. Thereafter, on acceptance of offer made by the opposite party no.2, both sides agreed to appear before the learned Court below on 01.10.2015 when opposite party no.2 was to take the petitioner-complainant to keep her as wife. The provisional anticipatory bail of opposite party no.2 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 below; or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner-complainant that opposite party no.2 failed to comply the undertaking given before this Court and provisional anticipatory bail granted to him has not been confirmed till date. Though statement to that effect has not



been made in the petition.

It appears that the period of provisional anticipatory bail has lapsed on 06.09.2016, hence, the opposite party no.2 is no longer on provisional anticipatory bail. Moreover, there is nothing on record to suggest that opposite party nos. 2 has misused the privilege of bail.

In the circumstances, the present application for cancellation of provisional anticipatory bail of opposite party no.2 is not maintainable.

This application is, accordingly, disposed of.

Let the learned Court below pass appropriate order in the matter.

(Dinesh Kumar Singh, J)

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