

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21385 of 2018**

Arising Out of PS. Case No.-375 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Vinita Kumari Wife of Sonu Kumar presently residing at Malsalami,
Nurruddinganj, Madhav Mills, P.S. Malsalmi, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sonu Kumar Son of Raja Ram Singh R/o Village Chhoti Pamy, P.S.
Jamalpur, District Ludhiyana.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Prakash Chandra Agrawal, Advocate
For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 18-09-2019 Heard Mr. N.K. Agrawal, learned Senior counsel

appearing on behalf of the petitioner and Mr. Uma Shankar
Prasad Singh, learned APP for the State.

The present application has been filed for cancellation
of provisional anticipatory bail, granted to opposite party no. 2
vide order dated 11.05.2015 passed in Cr. Misc. No. 37443 of
2014.

The factual matrix of the case is that the opposite
party no. 2, Sonu Kumar, being the husband of the petitioner,
Vinita Kumari preferred Cr. Misc. No. 37443 of 2014 with a
prayer for anticipatory bail in Complaint Case No. 375 of 2012
wherein process was directed to be issued after cognizance



being taken for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned SDJM, Patna City, District – Patna.

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

On submission made and both sides agreed to resume the conjugal life, the opposite party no. 2 was granted provisional anticipatory bail for six months vide order dated 11.05.2015 passed in Cr. Misc. No. 37443 of 2015. The provisional anticipatory 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 below or (iii) if the complainant gets reluctant to reconcile the issue.

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

Considering the aforesaid facts, this Court is not inclined to interfere, firstly on the ground that the period of provisional anticipatory bail got lapsed on 10.05.2016 and as



per the submission of learned Senior counsel, the provisional anticipatory bail of opposite party no. 2 has not been confirmed and hence, the opposite party no. 2 is no longer on bail and since he is no longer on bail there is no question of cancelling the bail.

In the circumstances, the present application is not maintainable and accordingly, it is disposed of.

(Dinesh Kumar Singh, J)

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