

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29899 of 2012

Arising Out of PS. Case No.-684 Year-2010 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Nakhat Jahan W/O Irfan Alam And D/O Hafiz Mahamad Samsuddin Resident
Of Village Mahamad Colony Dargah Road Pather Maszid Sultanganj, Patna-
6, P.S. Sultanganj, District Patna At Present Parmanent Of Village Hasanpur
Osti, P.S. Mahua, District Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Irfan Alam @ Md. Irfan S/O Md. Mahfooz Alam Resident Of Village
Mahamad Colony, Dargah Road, Pather Ki Maszid Patha-6, P.S. Sultanganj,
District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudra Deo
For the Opposite Party/s : Mr.Amitesh Kumar App

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-07-2019 Heard learned counsel for the petitioner and learned
counsel for opposite party no.2.

The present application has been filed by Nakhat
Jahan for cancellation of bail of opposite party no. 2, Md. Irfan
Alam @ Md. Irfan, who was granted anticipatory bail vide order
dated 08.04.2011 passed in Cr. Misc. No. 8841 of 2011 in
connection with Complaint Case No. 684 of 2010 wherein
process has been directed to be issued after cognizance being
taken for the offence under Section 498A of the Indian Penal
Code and Section 4 of Dowry Prohibition Act, pending in the
Court of learned SDJM, Vaishali at Hajipur.



On the readiness of opposite party no. 2 to make payment of Rs.1,000/- from May, 2011 to the petitioner by depositing the same in her bank account by second week of every month, the opposite party no. 2 was granted anticipatory bail.

It is claimed by the petitioner that except payment of Rs.5,000/- no payment has been made. However, a counter affidavit has been filed on behalf of opposite party no. 2 wherein a statement has been made that the amount was being deposited in the bank account of the complainant regularly. Moreover, vide judgment dated 11.06.2012 passed in Divorce Case No. 70 of 2010 passed by learned Principal Judge, Family Court, Vaishali at Hajipur, the marriage, between the complainant-wife and O.P. No. 2, the husband, has been dissolved. Moreover, the said matrimonial suit was filed by the petitioner, being the wife of opposite party no. 2, and this fact has deliberately been not disclosed in the present application.

The parameters for grant of bail and its cancellation are quite different. It is well settled law that bail cannot be cancelled on the ground alien to the grounds mentioned under Section 437(3) of the Code of Criminal Procedure.

The petitioner has not made out any specific case of



misuse of the privilege of bail. Moreover, since the marriage has already been dissolved between the parties, this Court is not inclined to interfere. Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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