

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43899 of 2016

Arising Out of PS. Case No.-731 Year-2015 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Anjum Khatoon Wife of Md. Firoz Alam, Daughter of Imtiyaz Sah @ Jhunnu
Resident of village - Sonwarsa, Police Station Kundra, District - Kaimur
... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Md. Firoz Alam Son of Md. Mumtaz Shah Resident of village - Ilawan,
Police Station Kochas, District - Rohtas
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyam Bihari Singh
For the Opposite Party/s : Mr.Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2019 Heard learned counsel for the parties.

The present application has been preferred by the petitioner for cancellation of provisional anticipatory bail granted to O.P. No. 2 granted vide order dated 10.5.2016 passed in Cr. Misc. No. 20560 of 2016 in connection with Complaint Case No. C-731 of 2015 wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC.

The factual matrix of the case is that the O.P. No. 2 being the husband of the petitioner-complainant preferred Cr. Misc. No. 20560 of 2016 with a prayer for grant of anticipatory bail and on the submission on behalf of the petitioner is ready to resume the conjugal life if the O.P. No. 2 has not performed second marriage



and the statement being made in paragraph 10 of the petition that O.P. No.2 has not performed second marriage, this Court vide order dated 10.5.2016 granted him provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the petitioner and the provisional anticipatory bail was to be confirmed 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 that the provisional anticipatory bail granted to the O.P. No. 2 has not been confirmed by the learned Court below though statement to that effect has not been made in the petition. Since the period of provisional bail has lapsed on 9.5.2017, this application for cancellation of bail is misconceived.

In this circumstances, this Court is not inclined to interfere in the matter.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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