

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35465 of 2019

Arising Out of PS. Case No.-870 Year-2018 Thana- SHASTRINAGAR District- Patna

PINKI KUMARI W/o Mukesh Kumar Singh, D/o Mahesh Prasad Mahto R/o
Mohalla- Punaichak, P.S.- Shastri Nagar, Disst- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Singh S/o Satyanarain Singh R/o Village- Bhimpur, P.S.-
Bhimpur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-06-2019 Heard the parites.

This application has been filed for cancellation of anticipatory bail granted to the O.P.no.2, vide order dated 2.3.2019 passed in A.B.P.no.444 of 2019 passed by the Addl. District and Sessions Judge-XII, Patna in connection with Shastri Nagar P.S.Case No.870 of 2018 for the offences punishable under Section 498(A) of the Indian Pena Code and Sections 3/4 of the Dowry Prohibition Act.

The grounds for cancellation of the bail is that though the notice was issued to the petitioner but without waiting for appearance of the O.P.no.2, the prayer for anticipatory bail has been allowed.



Heard learned APP and from perusal of the record, it appears that the case is based on police case and not on complaint case. O.P.no.2 has also filed a petition for restitution of the conjugal right and considering the same and also considering the fact that there is matrimonial dispute, the learned Addl. Sessions Judge has granted bail, as such I find no illegality in the above order.

Accordingly, this application is dismissed, however, the petitioner shall appear before the learned Family Court before which petition for restitution of the conjugal right is pending and the learned Family Court will take steps for reconciliation between the parties as soon as possible, after appearance of petitioner.

(Vinod Kumar Sinha, J)

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