

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60004 of 2018

Arising Out of PS. Case No.-160 Year-2015 Thana- DINARA District- Rohtas

Pratima Kumari @ Pratima Devi, W/o Ravi Ranjan Singh and daughter of Ramashray Singh, resident of Village-Tenuath Mathiya, P.S.-Dinara, District-Rohtas at present residing at Village-Sareya, P.O. Choubey Ka Parasiya, P.S. - Dhansoi, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ravi Ranjan Singh, S/o Bhuneshwar Singh, resident of Village - Tenuath Mathiya, P.S. Dinara, District - Rohtas.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Atul Kumar Pandey, Advocate.
For the State	:	Mr. Abhay Kumar Roy, A.P.P.
For the O.P. No. 2	:	Mr. Rang Nath Choubey, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 3 01-05-2019 Heard learned counsel for the petitioner and learned counsels for the State and opposite party no. 2.

It has been submitted by learned counsel for the petitioner that the opposite party no. 2 was granted anticipatory bail vide order dated 18.06.2018, passed in Cr. Misc. No. 32991 of 2018, by this Court. It has further been submitted that prior to filing of Cr. Misc. No. 32991 of 2018, the opposite party no. 2 had filed anticipatory bail application vide Cr. Misc. No. 45916 of 2015 in which the opposite party no. 2 was granted



provisional anticipatory bail for six months by another Co-ordinate Bench of this Court on 01.03.2016. The provisional anticipatory bail of the petitioner was to be confirmed within one year by the learned court below in three eventualities, (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court. Later on, the provisional anticipatory bail granted to the petitioner was not confirmed by order dated 22.02.2018 by the learned court below itself. Hence, the second anticipatory bail application had been preferred by opposite party no. 2, vide Cr. Misc. No. 32991 of 2018 by which he was granted anticipatory bail on 18.06.2018. The aforesaid second anticipatory bail application i.e., Cr. Misc. No. 32991 of 2018 was not maintainable in light of the judgment referred by a Division Bench of this Court reported in 2011(1)PLJR 731: (Bishundeo Sahu Vs. The State of Bihar & Ors).

Learned counsel for opposite party no. 2 concedes to the aforesaid submissions advanced on behalf of the petitioner that the second anticipatory bail application vide Cr. Misc. No. 32991 of 2018 of opposite party no. 2 was not maintainable in light of judgment referred by a Division Bench of this Court.



Considering the submissions advanced on behalf of the petitioner, anticipatory bail granted to the petitioner vide order dated 18.06.2018, passed in Cr. Misc. No. 32991 of 2018, stands cancelled as not maintainable.

The present application for cancellation of bail of opposite party no. 2, stands disposed of.

(Sudhir Singh, J)

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