

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29293 of 2017

Arising Out of PS. Case No.-229 Year-2015 Thana- PANCHRUKHI District- Siwan

Sanju Kumari Wife of Rajesh Yadav Resident of Village- Surbala, P.S. G.B. Nagar, District- Siwan. At Present - Daughter of late Kamaldeo Yadav, Resident of Village- Hardiya, P.S. - Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajesh Yadav Son of Sri Shankar Yadav @ Ramesh Yadav Resident of Village Surbala, P.S. G.B. Nagar, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Prasad

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-09-2019 The present application has been filed for cancellation of provisional anticipatory bail of opposite party no. 2, Rajesh Yadav, who was granted provisional anticipatory bail for one year in Pachrukhi (G.B. Nagar) P.S. Case No. 229 of 2015 registered for the offences punishable under Sections 498A, 323, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation against opposite party no. 2, being the husband of the petitioner, is torturing the informant for non-fulfillment of dowry demand.

On submissions and statement made in paragraph 2 of



the supplementary affidavit to the effect that in spite of filing of Divorce Case No. 190 of 2016, the opposite party no. 2 is ready to keep and maintain his wife, Sanju Kumari with full dignity and honour and the offer was accepted by the petitioner and both agreed to appear before the learned Court below on 20th of October, 2016 when opposite party no. 2 was supposed to take the informant to keep her as wife with full dignity and honour, the O.P. No. 2 was granted provisional anticipatory bail for one year. The provisional 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 informant fails to appear before the learned Court below or (iii) if the informant gets reluctant to reconcile the issue.

Learned counsel for the petitioner submits that the provisional anticipatory bail of the opposite party no. 2 has not been confirmed yet. However, learned Court below declined to pass any order on petitioner's application for cancelling the provisional bail of O.P. No. 2 since it was provisional bail.

Keeping in view the fact that the opposite party no. 2 was granted provisional anticipatory bail for one year vide order dated 27.09.2016 which got lapsed on 26.09.2017 and hence,



the opposite party no. 2 is no longer on bail, this Court does not find any merit in the present cancellation application and accordingly, it is dismissed.

(Dinesh Kumar Singh, J)

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