

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60934 of 2017

Arising Out of PS. Case No.-752 Year-2015 Thana- COMPLAINT CASE District- Araria
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Bibi Khusbu Khatun Wife of Md. Mustafa Ansari @ Mustafa @ Tukwa, D/o
Safid Ansari Resident of Village - Palasi, Ward No. 3, P.S. Narpatganj,
District - Araria.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Md. Mustafa Ansari @ Mustafa @ Tukwa Son of Md. Rasul Ansari Resident
of Village - Bhajanpur, P.S. Forbesganj, District - Araria.

... .. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma
For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal
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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

12 30-01-2019

This application has been filed for cancellation of
anticipatory bail granted to the opposite part No.2 vide
order dated 27.01.2017 in Cr. Misc. No. 53700 of 2016.

Learned counsel for the petitioner has submitted
that although opposite party No.2 has been granted
anticipatory bail by this Court on the ground of amicable
settlement before the Mediation Centre but opposite party
No.2 has failed to act as per the conditions on which
mediation took place between the parties and he has ousted
the petitioner from her matrimonial house and he does not
want to keep her with full honour and dignity.

Learned counsel appearing for the opposite party



No.2 has submitted that the petitioner herself chosen not to live with the opposite party No.2 and she went out from her matrimonial house. Opposite party No.2 is still ready to keep his wife with full honour and dignity.

In view of the rival submission of parties, it appears that the husband-opposite party No.2 has only taken shelter of mediation for obtaining bail from this Court and deliberately failed to act as per the conditions on which mediation took place between them. Therefore, this Court finds it a fit case for cancellation of anticipatory bail of opposite party No.2. accordingly, the anticipatory bail granted vide order dated 27.01.2017 in Cr. Misc. No. 53700 of 2016 stands cancelled in connection with Araria Complaint Case No. 752 of 2015.

This criminal miscellaneous is disposed of accordingly.

(Arvind Srivastava, J)

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