

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6216 of 2018

Arising Out of PS. Case No.-31 Year-2016 Thana- TELHARA District- Nalanda

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Soni Kumari @ Guriya Devi, Wife of Devendra Kumar, Resident of Village- Narayanpur, P.S.- Hulasganj, District- Jehanabad. At present Residing at Village- Badalpur, P.S. Telhara, District- Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Devendra Kumar, S/o Late Rajdeo Yadav, Resident of Village- Narayanpur, P.S.- Hulasganj, District- Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jogendra Prasad, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-09-2019 Heard learned counsels for the petitioner-
informant and the State.

The present application has been filed for cancellation of bail, granted to opposite party no. 2, Devendra Kumar, being the husband of the petitioner-informant vide order dated 21.07.2016, passed in Criminal Miscellaneous No.26850 of 2016 in Telhara P.S. Case No.31 of 2016, pending in the Court of learned ACJM, Hilsa registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The opposite party no.2, being husband of petitioner-informant, was granted provisional anticipatory bail



for one year, on submission and statement made in paragraph no.6 of the bail petition to the effect that he is ready to keep the petitioner-informant as wife with full dignity and honour and thereafter, the learned Court below was directed to issue notice upon the petitioner-informant for her appearance and on appearance of the petitioner-informant, the opposite party-2 was to take her to keep her as wife with full dignity and honour. The provisional anticipatory bail of opposite party no.2 was to be confirmed by the learned Court below in three eventualities; (i) On substantial restoration of the matrimonial harmony; or (ii) if the informant gets reluctant to reconcile the issue; and (iii) or, if the informant fails to appear before the learned Court.

It is submitted by learned counsel for the petitioner-informant that opposite party no.2 failed to comply the undertaking given before this Court, moreover, provisional bail granted to him has not been confirmed till date. Though no statement to that effect has been made in the petition.

It appears that the period of provisional anticipatory bail has lapsed on 20.07.2017, hence, the opposite party no.2 is no longer on provisional anticipatory bail. Moreover, there is nothing on record to suggest that opposite



party nos. 2 has misused the privilege of bail.

In the circumstances, the present application for cancellation of provisional bail of opposite party no.2 is not maintainable.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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