

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52722 of 2016

Arising Out of PS. Case No.-75 Year-2014 Thana- MAHILA P.S. District- Bhagalpur

Nurussaba Tabassum W/o Md. Shahabuddin D/o S.M. Yunus, Resident of Village- Chandarpur, P.S.- Sabour, District- Bhagalpur. At present Resident of Village- Mogalpura, P.S.- Mozahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Md. Shahabuddin S/o Md. Mohiuddin, Resident of Village- Chandarpur, P.S.- Sabour, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Sri Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-03-2020 Heard learned counsel for the petitioner, informant and the State.

The present application has been field with a prayer for cancellation of provisional anticipatory bail granted to the Opposite Party No.2, vide order dated 31.03.2015, passed in Criminal Miscellaneous No. 13193 of 2015.

The basic accusation is of torture for non-fulfillment of dowry demand.

The Opposite Party No.2, being the husband of the petitioner was granted provisional anticipatory bail for one year in connection with Bhagalpur Mahila P.S. Case No. 75 of 2014, registered for the offences punishable under Sections 498A,



504, 379, 341, 323, 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, pending before the learned SDJM, Bhagalpur on the basis of submission of learned counsel for the Opposite Party No.2 and statement made in paragraph No.12 of the bail application to the effect that the Opposite Party No.2 was ready to keep the informant as wife with full dignity and honour. The offer of the Opposite Party No.2 was acceptable to the petitioner and both sides were ready to appear before the learned Court below on 20th of April, 2015 when the Opposite Party No.2 was supposed to take the informant to keep her as wife with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities ; (I) if the matrimonial harmony is substantially restored; or (ii) if the complainant fails to appear before the learned Court below; or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the Opposite Party No.2 that he is not having any instruction whether the provisional anticipatory bail of the Opposite Party No.2 has been confirmed or not.

It appears that the provisional anticipatory bail of Opposite Party No.2 got lapsed on 30.03.2016 and there is



nothing on record to suggest that the provisional anticipatory bail of the petitioner has been confirmed by the learned Court below.

In the circumstances, the Opposite Party No.2 appears to be no longer on bail. Hence, the learned Court below is expected to pass appropriate order in the matter.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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