

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.4166 of 2018

Arising Out of PS. Case No.-33 Year-2016 Thana- MAHILA PS District- Jehanabad

Pratima Kumari @ Pratima Kumar Wife of Abinash Kumar, Resident of Joga Bigha, P.O.- Mandil, P.S.- Paras Bigha, District- Jehanabad, at present residing at Jaitiya, P.O.- Dhobdiha, P.S.- Khudaganj, District- Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Abinash Kumar, Son of Kameshwar Singh, Resident of Joga Bigha, P.O.- Mandil, P.S.- Paras Bigha, District- Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Singh

For the Opposite Party/s : Mr.Sri Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

13 18-02-2020 This application has been filed for cancellation of bail granted to O.P.no.2, who happens to be husband of the petitioner, vide order dated 30.8.2016 passed in B.P.no.528 of 2016 by the Sessions Judge, Jehanabad. It further appears that the petitioner has also moved before the Sessions Judge, Jehanabad for cancellation of the bail bond of the O.P.no.2 but the same has been rejected vide order dated 13.10.2017 passed in Cr. Misc. No.43 of 2016.

Submission of the learned counsel for the petitioner is that the bail has been granted to O.P.no.2 on an undertaking filed by him that he is ready to keep his wife with him where he resides with dignity and care but thereafter O.P.no.2 left the petitioner , as such an application for cancellation of the bail of the petitioner was filed but the learned Sessions Judge has not considered the same and rejected the application for cancellation of the bail filed by the petitioner, vide order dated 13.10.2017



passed in Cr. Misc. No.43 of 2016.

Heard learned APP and perused the impugned order granting bail as well as the order dismissing the application for cancellation of bail to the O.P.no.2. It appears that the learned Sessions Judge dismissed the application for cancellation of the bail on the ground that considering the period of custody, the bail has been granted to O.P.no.2 and there is no case of misuse of the privilege of bail. It further appears from order dated 30.8.2016 passed in B.P.no.528 of 2016 that though O.P.no.2 has given an undertaking but the bail has been granted considering both the period of custody as well as undertaking of the petitioner and there is no allegation of misuse of the bail or tampering with the evidence.

Considering the above, I am not inclined to interfere with order dated 30.8.2016 passed in B.P.no.528 of 2016 and order dated 13.10.2017 passed in Cr. Misc. No.43 of 2016 . Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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