

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78035 of 2019

Arising Out of PS. Case No.-51 Year-2014 Thana- MAHILA PS District- Jehanabad

MINA KUMARI Wife of Manoj Kumar, Resident of Village Ahiyasa, P.S.- Ghosi, District - Jehanabad and daughter of Surendra Singh Kuswah, resident of Village Daya Bigha P.S. Makhdumpur Distt. Jehanabad, presently reside at Dewhada P.S. Bandara Bajar District - Bandara, Maharashtra.

... .. Petitioner

Versus

1. The State of Bihar
2. Manoj Kumar Son of Saryu Prasad Resident of Village Ahiyasa, P.S.- Ghosi, District - Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-02-2020 This application has been filed for cancellation of bail granted to Opp.Party no.2 by learned 2nd Additional Sessions Judge, Jehanabad in B.P. No.64 of 2019 dated 28.02.19, arising out of Jahanabad Mahila P.S. Case No.51 of 2014 registered under Sections 323, 379, 341, 498(A), 504/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, instituted on the basis of complaint Case No.636 of 2014 on the ground that the Opp.Party no.2 had given assurance to keep his wife(petitioner) with full dignity and honour and Opp.Party no.2 is in custody since 10.01.2019.

Submission of learned counsel for the petitioner is that Opp.Party no.2 has neither followed the undertaking given



at the time of hearing of the bail application nor he complied the order dated 07.06.2018 passed in Misc. Case No.26 of 2014 filed for maintenance, which was allowed with direction to the Opp.Party no.2 to pay Rs.12,000/- as maintenance to the petitioner and ,as such, the bail granted to Opp.Party no.2 is fit to be cancelled.

Heard learned A.P.P.

I have perused the impugned order granting bail to Opp.Party nos.2, which shows considering his custody as well as his submission to keep her, his prayer for bail was allowed. Except the submission, there is nothing available on the record that Opp.Party no.2 is not ready to keep her and if it is so, the petitioner may move before the court below granting bail under Section 437(5) Cr.P.C.

Considering the discussion, as made above, I am not inclined to interfere with the impugned order.

The application for cancellation of bail is dismissed.

(Vinod Kumar Sinha, J)

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