

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62557 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- PHULPARAS District- Madhubani

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Nirmla Devi Wife of Ghuran Yadav Resident of village -Buharwa , P.S.-
Phulpras , District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Kumar Yadav @ Shambhu Kumar @ Shambhu Yadav Son of
Upendra Yadav Resident of village -Bauharwa , P.S.- Phulpras , District -
Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s :		Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed seeking the
cancellation of the provisional bail granted to Opposite Party
No. 2 vide order dated 14.03.2024 passed in Criminal
Miscellaneous No. 17474 of 2024, which was subject to certain
conditions which were undertaken to be fulfilled by the
petitioner at the time of granting bail. However, after the



petitioner was released, it was claimed that the petitioner is not of marriageable age, and thus, the condition could not be fulfilled.

3. It transpires to this Court that the argument of learned counsel for Opposite Party No. 2 is correct. However, at the time of considering the prayer for bail, this aspect was not brought to the attention of the Court. Consequently, the Court, without entering into the merits of the case, granted provisional bail to Opposite Party No. 2, assuming that he would enter into marriage with the victim. Upon realizing that such a marriage is not legally possible, the Court is no longer inclined to continue the provisional bail granted to Opposite Party No. 2.

4. Accordingly, the provisional bail granted to Opposite Party No. 2 vide order dated 14.03.2024 passed in Criminal Miscellaneous No. 17474 of 2024 in connection with Phulparas P.S. Case No. 442 of 2023, pending before the Court of ACJM-II, Jhanjharpur, Madhubani, is hereby cancelled.

5. The Trial Court is directed to issue a warrant of arrest for Opposite Party No. 2 and take all necessary steps in accordance with the law to ensure his arrest. However, Opposite Party No. 2 shall be at liberty to proceed for regular bail on merit after surrender.



6. With the aforesaid observations and directions, the
present application stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

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