

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49419 of 2013

Arising Out of PS.Case No. -9 Year- 2012 Thana -GARDANIBAGH District- -

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Jaimala Devi @ Jaimala Wife Of Sri Binod Kumar Resident Of Mohalla -
Saristabad, Naya Tola, P.S. Gardanibag, P.O. G.P.O., Patna - 1

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Binod Kumar S/O Late Ramayan Yadav Resident Of Mohalla -
Saristabad, P.S. Gardanibag, P.O. G.P.O., Patna - 1

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Narain Thakur

For the Opposite Party/s : Mr. Madhuri Lata (App)

For Opposite Party No. 2 : Mr. Nagendra Kumar, Advocate

Mr. Binod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 19-10-2016

Heard learned counsels for the petitioner and
opposite party no. 2.

The present application has been filed for
cancellation of provisional of opposite party no. 2, granted vide
order dated 11.12.2012 passed in Cr. Misc. No. 39746 of 2012 in
connection with Gardanibagh P.S. Case No. 09 of 2012, pending
in the court of learned Chief Judicial Magistrate, Patna.

The opposite party no. 2 being the husband of



the petitioner-informant was granted provisional anticipatory bail for one year in a case registered for the offences punishable under Sections 323 and 498A/34 of the Indian Penal Code on the submission of opposite party no. 2 that he is ready to keep the petitioner-informant and the child with dignity and honour. The provisional bail will be confirmed within one year by the learned court below when the issue will be resolved between the parties.

The present application for cancellation has been preferred on the ground that opposite party no. 2 has failed to comply the undertaking given before this Court.

The counsel for opposite party no. 2 has filed counter affidavit to the effect that opposite party no. 2 is still ready to comply the undertaking. Moreover, the further proceeding of learned court below has been stayed vide order dated 07.07.2014 passed in Cr. Misc. No. 24713 of 2013 wherein order of cognizance is under challenge.

Since vide order dated 11.12.2012 the opposite party no. 2 was granted provisional bail for one year and the same lapsed on 10.12.2013 and it is not in dispute that provisional bail has not been confirmed by the learned court below till date, hence, the opposite party no. 2 is no longer on the provisional bail. Hence, the present application has become

infructuous and accordingly, it is disposed of.

Let the learned court below pass appropriate order in the matter.

DKS/-

(Dinesh Kumar Singh, J)

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