

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25180 of 2016

Arising Out of PS.Case No. -140 Year- 2015 Thana -ISHIPUR District- BHAGALPUR

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Md. Kasim @ Kasim Ansari, Son of Md. Safique, Resident of Village - Navenagar,
P.S. Ishipur Barahat, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gulista Khatoon, D/o Md. Nizamuddin, Village- Nam Nagar, P.S. Ishipur Barahat, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For the Opposite Party No. 2	:	Mr. Mukesh Kumar Jha and
		Mr. Tarun Prasad Yadav, Advocates
For the State	:	Mr. Ansural Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 26-07-2017

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no. 2.

2. In terms of the earlier order, a supplementary affidavit has been filed on behalf of the petitioner today in which copy of *panchnama* has been annexed stating that upon mutual agreement between the parties, the petitioner has performed *Nikah* with the opposite party no. 2. It is admitted at the Bar that the petitioner and opposite party no. 2 are now husband and wife and the opposite party no. 2 is living in the matrimonial home.

3. In view of the aforesaid, the provisional bail granted to the petitioner, by order dated 14.06.2016 stands confirmed,



subject to the condition that the petitioner shall file a written undertaking on oath before the Court below that he shall keep the opposite party no. 2, as his wife with him, in the matrimonial home, with full dignity, honour and security and also provide for her needs. Any violation of the terms and conditions of the undertaking shall lead to cancellation of his bail bonds and he shall be taken into custody. Further, if the opposite party no. 2 feels that the petitioner has violated the terms of the undertaking, she shall be at liberty to file an application before the Court below. Upon the same being done, the Court after hearing the petitioner shall pass appropriate orders. If it is found that there has been breach of the condition of the undertaking, the same shall also lead to cancellation of the bail bonds of the petitioner and he shall be taken into custody.

4. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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