

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.867 of 2025

Arising Out of PS. Case No.-1380 Year-2011 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Gulbadan Khatoon W/o- Yasin Ansari R/o - Birwat, Po- Mushari, P.S -
Vijaipur, District - Gopalganj, P/A- Basantpur Dhusi Ps- Tarkulawa, Dist-
Deoria, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Gopalganj Bihar
2. The Circle Officer, Circle Block Vijaipur Dist- Gopalganj Bihar
3. Yasin Ansari S/o- Karamudin Ansari Marhum R/o- Birwat Po- Mushari Ps-
Vijaipur Dist- Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Mishra
For the Respondent/s : Mr.G.P.6

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-07-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The present writ petition is being filed on behalf of

the petitioner for the following reliefs:-

*a). For issuance of appropriate writ/writs,
order/orders direction/directions for
directing the concerned Sub-ordinate
Court, Gopalganj to strict compliance of
the order dated 30.07.2012 passed by this
Court in Criminal Miscellaneous No.
18171 of 2012 in which at the time of
granting provisional bail, this Court has
issued directions as follows:-*

*"The petitioner will file a
document of his entire property duly
certified by the concerned Circle*



Officer before the learned court below within a period of two months and thereafter will transfer the half of his property in favor of the complainant. The learned court below will confirm the provisional anticipatory bail of the petitioner on compliance of the undertaking given before this Court. Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner".

b). *For further directing the concerned Sub-ordinate Court, Gopalganj to look into/consider the order dated 19.10.2016 passed by this Court in Criminal Miscellaneous No. 16850 of 2013 by which this Court has rejected the Cancellation Bail Petition filed by the petitioner on the ground that the said cancellation bail petition was not maintainable against the provisional bail order as such passed by this Court vide order dated 30.07.2012 and the said provisional bail order has not been confirmed up till now such a long period about 12 years and due to such reason, the Private Respondent no. 3 has taken this advantage and misuse the privilege of provisional bail order, the Private Respondent no.3 has only paid 1000/- month in 10 installments and they have stopped the said amount as maintenance to the petitioner and the Private Respondent no. 3 had not made registered the half share of his property to the petitioner as directed by this Court and due to passing of the aforesaid order dated 19.10.2016, the petitioner has left*



with no scope to redress her grievance as stated above and also got justice for which, she is entitled as provided under the law;

c). For further directing learned Subordinate Court, Gopalganj, to expedite and conclude the trial in Complaint Case No. 1380 of 2011 within time-bound period and take necessary and strict action against respondent no. 3;

d). For further directing the respondent no. 3 to pay arrear maintenance amount as well as the current maintenance amount including wit interest at a reasonable rate till date, and registered the half share of his property in favor of the petitioner as directed by this Court;

e). For further initiating appropriate proceedings against the respondent no 3 for non-compliance and not-giving honor/regard with the orders of this Court dated 30.07.2012 and 19.10.2016.

3. The learned counsel for the petitioner has submitted that the conditions imposed upon the Respondent No. 3 vide order dated 30.07.2012 passed in Cr. Misc. No. 18171 of 2012 has not been complied till date and the Respondent No. 3 is still on provisional bail.

4. The A.C.J.M.-IV, Gopalganj is directed to see to it that the conditions imposed upon the Respondent No. 3 by this Court in Cr. Misc. No. 18171 of 2012 dated 30.07.2012 is complied fully.



5. If the conditions are not complied within 15 days of receipt/communication of this order, the provisional bail granted to the respondent no. 3 shall be cancelled and appropriate order shall be passed for his appearance.

6. With the aforesaid observation and direction, this application is disposed of.

7. Let a copy of this order be communicated to the Principal District and Sessions Judge, Gopalganj through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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