

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37867 of 2013

Arising Out of PS.Case No. -933 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Raji Ahmad Son Of Md. Balad, Residents Of Village - Birnagar, Jogiganj
P.S - Bhargama. District - Araria .

.... Petitioner

Versus

1. The State Of Bihar
2. Bibi Munni Khatoon, daughter of Fozal Haque, resident of village-
Hasanpur, Ikraha, P.S.- Janki Nagar, District- Purnea.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amit Kumar Anand, Advocate
For the State : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

17 28-01-2015 Heard learned counsel for the petitioner and the State.

None appears on behalf of the opposite party no.2.

In this case, notice was issued upon the complainant
on 24.12.2013 and provisional anticipatory bail was granted to the
petitioner, who happens to be the husband of the complainant.

Learned counsel for the opposite party no.2 eventually
appeared on 9.4.2014 and took time to submit his response on
affidavit. Thereafter, adjournments were granted upon the prayer
of the parties. It appears that subsequently, the opposite party no.2
stopped appearing in the matter. No affidavit could be filed on her
behalf till date. Nobody is representing her here.

Petitioner has filed an affidavit stating that he is a

labourer and he is ready to pay Rs.500/- per month as maintenance.

In my considered opinion, the issue of maintenance is not to be considered and decided by this Court in the present proceeding.

However, in the facts and circumstances of the case and also in view of the fact that not a single affidavit could be filed on behalf of the opposite party no.2 till date and her counsel has stopped appearing in this case also since long whereas the petitioner had stated that he is ready to lead a peaceful life along with the complainant but effort of rapprochement could not be made in view of the repeated none appearance as well as in the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner in connection with Complaint Case No.933 of 2012 pending in the court of Sub-Divisional Judicial Magistrate, Purnea is made absolute. However, since the petitioner has undertaken that he will pay Rs.500/- per month as maintenance, he would be required to deposit such amount in the week of every month till 2nd February, 2015 before the court below and the opposite party no.2 would be at liberty to withdraw the same.

This is made clear that this arrangement would be

effective till any order for maintenance is passed by any court of competent jurisdiction. If such issue of maintenance is taken up by any competent court, it would be required to pass orders on its own merit and in accordance with law without being prejudiced by the present order or maintenance which has been undertaken to be given by the petitioner.

(Dr. Ravi Ranjan, J)

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