

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9939 of 2016

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Jitendra Nath Saha, s/o Sri Sugendra Nath Saha, r/o vill-Lake Garden,
Ghorapari More, English Bazar, PS- English Bazar, Dist- Malda
(West Bengal)

.... Petitioner

Versus

1. State of Bihar
2. Puja Saha (Gupta), w/o Jitendra Nath Saha, D/o Sri Ramjee Prasad
Gupta, r/o village- Barsoi Bazar, PS- Barsoi, Dist- Katihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar Mandal, Advocate

For the Opposite Party : Mr. Pushpa Sinha 2(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-06-2016

Heard the learned counsel for the petitioner, learned

A.P.P. appearing for the State and learned counsel appearing for
opposite party no. 2.

By earlier order dated 04.08.2014 passed in Cr. Misc.
no. 20324/2014, the petitioner, while being granted the privilege of
anticipatory bail in connection with Barsoi PS case no. 04 of 2014, was
directed, apart from other conditions, to pay Rs. 1500/- per month as
interim maintenance to opposite party no. 2 who is the wife of the
petitioner.

Learned counsel for the petitioner submits that the
opposite party no. 2 has married one Amar Gupta on 07.07.2014 and
has a baby girl aged about 06 months. It has also been submitted that
the maintenance case filed by the opposite party no. 2 numbered as
Maintenance case no. 219/2013 before the learned Court of Principal

Judge, Family Court, Katihar has been dismissed on 21.03.2014 due to non-appearance of opposite party no. 2. It has also been submitted that the Matrimonial suit no. 314/2013 filed by the petitioner for restitution of conjugal rights has been allowed ex-parte on 05.03.2014 where the opposite party no. 2 had also not appeared.

However, learned counsel appearing on behalf of opposite party no. 2 submits that the statement made by the petitioner is false. She has not yet married and due to threat at the hand of the petitioner, she is unable to receive the interim maintenance of Rs. 1500/- per month and she prays that the said amount of interim maintenance of Rs. 1500/- per month be deposited in her bank account.

Apart from the bald statement that the opposite party no. 2 has now married another person, there is no other document in support thereof. Petitioner and the opposite party no. 2 are directed to approach the learned Court below where the Barsoi PS case no. 04 of 2014 is pending and raise their respective grievances.

The modification application is disposed of accordingly.

(Nilu Agrawal, J.)

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