

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16260 of 2016

Arising Out of PS.Case No. -901 Year- 2012 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Nitu Devi Daughter of Sri Vijay Sao, resident of Village- Milki, Police
Station- Warisaliganj in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pintu Kumar, Son of Sri Jawahar Sao, resident of Village- Govindpur,
Police Station- Govindpur in the District of Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Aditya Nr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 24-08-2016 Heard learned counsel for the petitioner and learned

counsel for the opposite party no. 2 as well as learned Additional

Public Prosecutor for the State.

Petitioner has prayed for cancellation of bail granted to
opposite party no. 2 vide order dated 16.02.2015 passed in Cr.
Misc. No. 6215 of 2015 on the ground that opposite party no. 2
has not taken steps in the light of above stated order dated
16.02.2015 passed in Cr. Misc. No. 6215 of 2015.

Learned counsel appearing for the opposite party no. 2
submits that petitioner has already filed a petition before the
Principal Judge Family court, Nawada in the light of order dated

16.02.2015 passed in Cr. Misc. No. 6215 of 2015.

However, in course of hearing both the parties agreed on this point that on the next date of hearing of matrimonial suit no. 56 of 2012, both the parties shall file a joint petition under section 13B of the Hindu Marriage Act for seeking divorce with mutual consent and with the aforesaid petition the Opposite party no. 2 shall attach the draft of Rs. 3 lacs and after disposal of Matrimonial Case no. 56 of 2012 under section 13B of the Hindu Marriage Act, the aforesaid draft shall be handed over to the petitioner by the concerned court.

In view of the facts and circumstances, this petition stands disposed of with direction to the learned Principal Judge Family Court, Nawada that if the parties of the aforesaid Matrimonial Case no. 56 of 2012 make prayer to convert the above stated case under section 13B of Hindu Marriage Act along with draft of Rs. 3 lacs, the learned Principal Judge Family Court, Nawada shall pass appropriate order within a week from the date of filing of petition for conversion of Matrimonial Case no. 56 of 2012 under section 13B of the Hindu Marriage Act and after disposal of the aforesaid case, the draft of Rs. 3 lacs shall be handed over to Nitu Devi on the date of disposal of the aforesaid case itself.

It is also made clear that, if any, party fails to comply the above stated direction/ observation, the other party may claim legal recourse before appropriate forum.

Let a copy of this order be sent to Principal Judge Family Court, Nawada in connection with Matrimonial Case No. 56 of 2012.

(Hemant Kumar Srivastava, J)

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