

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24354 of 2015

Arising Out of PS.Case No. -27 Year- 2014 Thana -MAHILA P.S. District- SARAN

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Azizu Rahman @ Md. Azizur Rahman, Son of Md. Khurshid, Resident of
Village- Madhopur, P.S.- Chiraiya, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Juni Bano, D/o Md. Khurshid, Resident of Dahiawa Chapra P.S.-
....., District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Zaki Haider, Advocate
For the S t a t e : Ms. Nirmala Kumari(APP)
For O.P. No.2 : Mr. Vishwajeet Kumar Mishra, Advocate
Mr. Sanjay Kumar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 11-01-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of O.P. No.2 as well as the

learned counsel for the State.

The petitioner and the O.P. No.2 along with their two
baby daughters are present in Court today.

After much deliberations and interactions between the
parties, it appears that there is no hope of reconciliation and
restoration of marital life. The petitioner is absolutely recalcitrant
and does not want to keep his wife. He has picked up an excuse
that his marriage is nothing but a fraud perpetuated by O.P. No.2
as she was married previously and under Muslim Law, such a

marriage is an irregular marriage and children born thereof are also not legal as per law. O.P. No.2, however, submits that she is willing and ready to go and live with him in all circumstances and that no fraud had been perpetuated, rather the petitioner was well aware of all the facts and circumstances and it was only after he developed some illicit relationship, that he has taken up various pretexts to disown her and throw her out from her matrimonial home along with two children.

Considering the variety of allegations levelled between the parties and that there appears no hope for reconciliation that this Court feels that at least the two children born out of the said marriage be taken care of at the moment till the maintenance Court proceeds to decide and fix the maintenance amount.

Accordingly, this Court directs that by way of interim measure, let a sustenance amount of ₹8000/- (eight thousand) be given by the petitioner to the O.P. No.2, so that she can maintain herself and her two children in the interregnum. It is made clear that the aforementioned amount of ₹8000/- (eight thousand) shall be deposited in the court below and/or in any account number to be provided by the O.P. No.2, by 20th of each month; beginning January, 2016. It is also made clear that if the aforementioned amount of ₹8000/- (eight thousand) is not deposited for a period

of two months consecutively, then it shall be open to the O.P. No.2 to seek appropriate redressal of her grievance either in the court below or this Court itself.

In case the petitioner deposits the first instalment of ₹8000/- (eight thousand) by 20th of this month, thereafter, let the petitioner, above named, in the event of his arrest or surrender, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Chapra (Saran), in connection with Mahila P.S. Case No.27 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that this order is a conditional order and only subject to payment of sustenance amount aforementioned.

(Anjana Mishra, J)

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