

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33576 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -BHAGWANPUR District- BEGUSARAI

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Md. Jamaluddin Ansari, Son of Md. Muslim, Resident of Village -
Damodarpur, P.S. -Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

6 12-01-2016

Heard learned counsel for the parties

Pursuant to the order dated 27.11.2014, the petitioner
as well as the informant are present.

It appears that despite the efforts of the Court as well
as learned counsel, the relationship between the parties could not
be restored as there is total lack of trust on each other. The
informant has stated before the Court that because of her past
experience she is absolutely not in a position to go and live with
the petitioner along with her children i.e., three daughters and six
sons, all of them having been mistreated and even physically
assaulted by the petitioner.

The petitioner submits that he had purchased plot of
land in the village of the informant in the name of his children and
after her getting employment, her behaviour towards him has been

far from desirable.

It appears that in view of serious differences between the parties, their living together as a family with the children does not appear to be feasible for the present. It is submitted that the petitioner is in Government job and is a teacher, however, at present he is under suspension and only getting subsistence allowance.

In view of the overall position, the Court does not find that any useful purpose shall be served by keeping the petitioner behind bars. Thus, the provisional bail of the petitioner granted on 27.11.2014 is confirmed; subject to the condition that 2/3rd part of his pay i.e., whatever is being drawn by him, shall be paid to the informant for maintenance of the children. This would be without prejudice to the rights of the children on the father i.e., the petitioner, either under the succession law or the practice and tradition followed by the community. The petitioner, who is present in the Court, has agreed to such terms.

The amount shall be deposited in/transferred to the account of the informant latest by the 10th day of the following month. The court below shall ensure that undertaking to such effect is given by the petitioner prior to the order of confirmation of his bail. The said undertaking shall be filed before the court

below within two weeks from today. The payment shall start from the month of January, 2016 which shall be paid latest by 10th of February, 2016 and thereafter latest by 10th of the following months regularly.

The children of the petitioner shall be at liberty to visit and meet the petitioner, who is their father, which shall not be objected to by the informant. The petitioner shall also be at liberty to go and visit the children during day time for a short period, if he so desires. The informant shall also be at liberty to interact with the petitioner as per her own free will.

It is made clear that if the petitioner defaults, as per the undertaking given by him, in any monthly instalment with regard to payment of 2/3rd of the pay drawn by him, the court below, upon being informed, shall proceed to cancel the bail bonds of the petitioner and take him into custody.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Sujit/-

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