

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34397 of 2016

Arising Out of Complaint Case No. -249 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Md. Kamaluddin son of Md. Saimul Haque resident of Village- Bara Shankar, Mahammadpur, Police Station- Patahi, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjum Ara Khatoon @ Anjumara Begam Wife of Md. Kamaluddin, Daughter of Md. Jauwad resident of Village- Khorī Pakar, Police Station- Patahi, District- East- Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 20-04-2017 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

Basic accusation is of torture.

Petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage.

It is submitted by learned counsel for the complainant



that the complainant claims to have married with the petitioner on 05.05.2015.

This Court vide order dated 18.03.2017, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 12.04.2017 kept at 'Flag-B' suggests that the issue could not resolve through the process of mediation.

It is further submitted that in Maintenance Case No. 97 of 2015, vide order dated 20.03.2017, the learned Principal Judge, Family Court, East Champaran at Motihari, directed the petitioner to make payment of Rs.3000/- per month to the complainant as maintenance from the date of filing of the application for interim maintenance i.e. 09.04.2015. The petitioner was further directed to pay Rs.4000/- as cost of litigation to the complainant, but the said order has not been complied with.

In the circumstances, let the learned Court below consider the prayer for bail of the petitioner, if the petitioner makes payment of up-to-date maintenance amount as awarded, till the said maintenance order is modified by any competent Court, if he surrenders within a period of six weeks in connection with Complaint Case No.249C of 2015, pending before the learned Judicial Magistrate, 1st Class, Pakarideyal, Motihari.



With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

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