

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47888 of 2016

Arising Out of PS.Case No. -882 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. SAIYAD ENAMUL @ SAIYAD ENAMUL HAQUE son of Saiyad Abbas resident of Village- Sonwal Dachhin Patii, P.S.- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rifhat Shahin daughter of Mir Abdul Kadir resident of Village- Sonwal Dachhin Patii, P.S.- Paharpur, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 04-09-2017 The wife along with her counsel is present in court.

Though counsel for the husband has appeared in court but the husband has not appeared.

The matter was earlier sent to Mediation Centre by order dated 16-05-2017 on the request of the parties as there has been some chance of amicable settlement.

It has been submitted on behalf of opposite party No. 2 that the petitioner has already performed another marriage. This fact has already been admitted by the petitioner. Counsel for opposite party No. 2 has further submitted that she has filed Matrimonial Case vide Matrimonial (Maintenance) Case No. 292



of 2012 in which, by order dated 01-04-2016, the petitioner was directed to make payment of maintenance amount of Rs. 5,000/- (five thousand) per month from the date of filing of the petition i.e. 05-08-2012, but not a single paise has been paid by the petitioner in compliance of the aforesaid order.

In such circumstance, this anticipatory bail petition is disposed off with direction to petitioner to surrender in the court below within eight weeks from the date of receipt of the copy of this order along with receipt showing payment of 50% of the arrears amount of maintenance, as ordered by court below in Matrimonial (Maintenance) Case No. 292 of 2012 and if the petitioner does so, the court below will grant anticipatory bail to the petitioner provisionally for a period of nine months and, thereafter, the petitioner will make payment of rest amount of arrears of maintenance within the aforesaid period and also will continue to make payment of current amount of maintenance of Rs. 5,000/- per month during that period. He will also talk with opposite party No. 2 to come to an amicable settlement. In the event, the petitioner makes payment of full amount of the maintenance in terms of order dated 01-04-2016 passed in Matrimonial (Maintenance) Case No. 292 of 2012 and arrives at amicable settlement, the court below will confirm the provisional



anticipatory bail of the petitioner after nine months.

It is made clear that in the event, the petitioner does not surrender with valid proof showing the payment of half amount of arrears of maintenance in terms of order dated 01-04-2016 passed in Matrimonial (Maintenance) Case No. 292 of 2012, the court below will not enlarge the petitioner on provisional anticipatory bail.

Accordingly, this petition stands disposed off.

(Sanjay Priya, J)

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