

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59986 of 2017

In
Criminal Miscellaneous No.32831 of 2013

Arising Out of PS. Case No.- Year- Thana- District- Araria

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Md. Manjoor Alam @ Master Manzoor S/o Muharram Ali, R/o Village-
Baluwa, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kudrat Jahan W/o Hafiz Md. Khusdil, S/o Abdus Sakoor, Village- Masoora,
P.S.- Mahalgaon, District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma
For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 01-08-2018 By order dated 28.11.2013, the petitioner was directed to pay to the Opposite Party No. 2 an amount of Rs. 1500 /- (fifteen hundred) per month towards interim maintenance.

It has been submitted on behalf of the petitioner that O. P. No. 2 has remarried and is leading a married life with her new husband. As such, it was prayed that the order dated 28.11.2013 be modified to the extent that the petitioner be not required to pay the aforesaid amount to O. P. No. 2 henceforth.

Notice was issued to O. P. No. 2 which was received by her father. An affidavit of jointness of O. P. No. 2 with her father has been filed by the petitioner



which is on record.

Learned counsel for the petitioner has also drawn the attention of this Court to the cross-examination of O. P. No. 2 who has deposed before the trial court as P.W. 3 in the case. In her cross-examination, she has admitted that on 18.12.2016, she has married one Hafiz Md. Khushdil and is residing with him as his legally wedded wife.

A prayer therefore was made by the petitioner to have the order modified by the court below, but the same was refused.

Considering the aforesaid facts, the order dated 28.11.2013 passed by a Bench of this Court in Cr. Misc. No. 32831 of 2013 is modified to the extent that now the petitioner will not be required to pay Rs. 15,00/- (fifteen hundred) per month to O. P. No. 2 towards interim maintenance.

The order stands modified accordingly.

The application stands allowed.

(Ashutosh Kumar, J)

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