

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13487 of 2019

Arising Out of PS. Case No.-1946 Year-2007 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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GAURISHANKAR SAH @ GAURI SHANKAR SAH Son of Late Rampet
Sah Resident of Village - Jasauli, P.S.- Kotwa, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sugandhi Devi Wife of Gauri Shankar Singh, D/o Late Parmeshwar Sah
Resident of Village - Kuwanrpur, P.S.- Pipra, Distt - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1
For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-03-2019 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the complainant-

opposite party no. 2.

In pursuance to the order dated 08.03.2019 the

Officer-in-Charge, Sadar Motihari Police Station has

appeared with the petitioner Gaurishankar Sah @ Gauri

Shankar Sah. The complainant Sugandhi Devi is also

present.

The prosecution case, as lodged by the

complainant, is that she was married to the petitioner and

due to constant torture and second marriage of the petitioner

she has been driven out of the matrimonial house.



Learned counsel for the complainant submits that a case of maintenance being Maintenance Case No. 26 of 2015 has been filed by the complainant fixing maintenance per month but till 31.10.2017 a sum of Rs. 61,500/- is due on account of maintenance, as is evident from the certified copy of the order-sheet of the maintenance case, which has been taken on record.

From a personal interaction with the petitioner he has acknowledged that he has married one Nirmala Devi with whom he has four children.

Considering the nature of allegation and that the complainant has already filed maintenance case before the Principal Judge, Family Court, East Champaran at Motihari and huge amount of maintenance is due, the matter is remitted back to the court of learned SDJM, Sadar Motihari where Trial No. 1189 of 2018, arising out of Complaint Case No. 1946 of 2007 is pending to consider all the aspects and pass necessary orders.

It may be noted that this Court has not expressed any opinion regarding the merit of the case. Officer-in-Charge, Motihari Sadar Police Station is directed to take the petitioner so that he may be handed over to the



Superintendent of Prison, Motihari.

Application is, accordingly, disposed of.

(Nilu Agrawal, J)

Rajesh/-

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