

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.138 of 2018

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

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Md. Mohil, S/o Late Mohammed, R/o Village- Taran Tola Majhuwa, P.S.-
Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Aiasha Khatoon, wife of Md. Mohil,
3. Md. Modshire, son of Md. Mohil,
4. Md. Mozzaquir, son of Md. Mohil,
5. Bibi Tabassum, daughter of Md. Mohil.
6. Bibi Tasharun, daughter of Md. Mohil,
7. Md. Mobashir, son of Md. Mohil.
Opposite Party No.3 to 7 under guardianship of Bibi Aiasha Khatoon. All
R/o Village- Taran Tola Majkhuwa, P.S.- Jokihat District- Araria.
8. Superintendent of Police, Araria,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
		Mr. Ziaul Quamar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-10-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. Pursuant to order dated 17.09.2019, the petitioner as
also the opposite parties no. 2, 4, 5, 6 and 7 are present. The Court
has been informed that the opposite party no. 3 is studying in a
Madarsa at Saharanpur.



3. The petitioner has filed the present case under Section 19(4) of the Family Courts Act, 1984 against the judgment and order dated 05.12.2017 passed in Maintenance Case No. 26 of 2016 by the Principal Judge, Family Court, Araria by which Rs. 3,000/- per month maintenance in favour of the opposite party no. 2, who is the wife of the petitioner, and Rs. 1,000/- each to the opposite parties no. 3 to 7, who are his children, has been awarded; the total being Rs. 8,000/- per month.

4. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application.

5. Today, the opposite parties no. 4, 5, 6 and 7, who are present, are returning to the home with the opposite party no. 2. Both the petitioner and the opposite party no. 2 being resident of the same village, though in different areas, upon a query of the Court to learned counsel for the petitioner as to how he shall ensure that the petitioner shall not disturb in the peaceful life of the opposite parties no. 2 to 7 without any interference, learned counsel for the petitioner, upon taking instruction from him in the Court, informed that petitioner undertakes not to interfere or disturb in the peaceful life of the opposite parties no. 2 to 7. The Court records such undertaking.



6. As the order has been dictated in Court, the Court ensured that the petitioner was fully aware of such undertaking and, thus, it requested learned counsel for the petitioner to once again confirm the stand taken by the petitioner with regard to him withdrawing the case and not interfering or disturbing the opposite parties no. 2 to 7 in living a peaceful life. The Court has been informed that the petitioner reiterates his undertaking.

7. The Court taking abundant precaution again asked the learned counsel for the petitioner to confirm from the petitioner as to whether he was feeling pressure of any sort to give such undertaking, the answer is in the negative.

8. Having regard to the aforesaid, the application stands disposed off as withdrawn in terms of the undertaking by the petitioner with regard to non-interference in the life of the opposite parties no. 2 to 7.

9. As the parties live in the same village, the Court deems it appropriate to direct the Superintendent of Police, Araria to instruct the local police station that if at any point of time, the opposite parties no. 2 to 7 feel threatened by the petitioner or his family members, all assistance shall be provided to them so that they are able to live peacefully without any disturbance from the petitioner or his family members.



10. The petitioner shall make payment to the opposite parties no. 2 to 7 on time in terms of the impugned order, failing which the Court below shall pass appropriate orders and take all necessary steps to ensure such payment.

11. For the purpose of convenience, the Superintendent of Police, Araria, be impleaded as opposite party no. 8. Necessary correction be made in the cause title by the learned counsel for the petitioner during the course of the day.

12. Mr. Jharkhandi Upadhyay, learned APP, accepts notice on behalf of the newly added opposite party no. 8. He shall inform the opposite party no. 8 with regard to the present order.

13. The lady constables, who have accompanied the opposite party no. 2 from her native place to the Court, shall ensure that the opposite parties no. 2, 4, 5, 6 and 7 are taken back to their home safely.

14. The petitioner shall give all the clothes of the opposite parties no. 2 to 7, whichever may be at his place, to the opposite party no. 2 within two days from today.

(Ahsanuddin Amanullah, J)

J. Alam/-

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