

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS NO. 71944 of 2019

In

CRIMINAL MISCELLANEOUS NO. 27540 of 2014

Arising out of PS. Case No.-110 Year -2014 Thana –East Champaran Complaint

District- East Champaran

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Manzoor Alam @ Manzoor Alam Ansari, son of Mohammad Ansari @ Mohammad, resident of village – Chhota Bariyarpur, Kuiriya Tola, Near – Naya Pani Tanki, Sugar Mill Road, P.S. – Chhatauni, District – East Champaran.

..... Petitioner

Versus

1. The State of Bihar
2. Nahida Pravin @ Naheeda Praveen, wife of Manzoor Alam @ Manzoor Alam Ansari, daughter of Rahim Ansari, resident of Hanumangadi Gaurisankar School Road Salam Nagar, P.S. – Motihari Towan, District – East Champaran.

..... Opposite Parties

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Appearance:

For the Petitioner/s	:	Mr. Dhananjay Kumar No. 2, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For O.P. No. 2	:	Mr. Md. Kalim, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

03. 13.08.2020.

Heard Mr. Dhananjay Kumar No. 2, learned counsel for the petitioner and Mr. Asif Kalim, learned counsel for the complainant / Opposite Party



This is an application for modification of the order dated 11.12.2014 passed in Cr. Misc. No. 27540 of 2014 in Complaint Case No. C-110/2014, whereby the petitioner was directed to pay an interim maintenance to the Complainant / Opposite Party No. 2 of an amount of Rs. 750/- per month till any order is passed by a competent court.

Learned counsel for the petitioner has informed this Court that while granting anticipatory bail to the petitioner, a Bench of this Court had put the aforesaid pre-condition for grant of bail.

It has been submitted that the Opposite Party No. 2 had filed an application for maintenance before the court below but the same was rejected.

The spouses were declared to be divorced, which verdict of the Court was accepted by verdict of the Court was accepted by Complainant / Opposite Party No. 2. Thereafter, the Complainant / Opposite Party No. 2 is stated to have entered into a matrimonial alliance with another person.

Learned counsel appearing for the Complainant / Opposite Party No. 2, on the other hand, submitted that though these facts are



correct but the conduct of the petitioner disentitles him from pressing the present petition for modification of the order referred to above.

He has submitted that the petitioner had made a wrong disclosure of fact to the husband of the Complainant / Opposite Party No. 2 and because of such wrong disclosure, even the second marriage of Opposite Party No. 2 is virtually on the rocks.

However, considering the fact that the application for interim maintenance by a competent court has been rejected and the spouses have been divorced, this Court deems it appropriate to modify the order dated 11.12.2014 passed in Cr. Misc. No. 27540 of 2014 to the extent that now the petitioner would not be required to pay Rs. 750/- per month to the Complainant / Opposite Party No. 2 from the month of August, 2020.

The order dated 11.12.2014 is modified to the extent indicated above.

The application stands disposed off.

(Ashutosh Kumar, J)

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