

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9996 of 2020

Arising Out of PS. Case No.-535 Year-2014 Thana- COMPLAINT CASE District- Jamui

MD. AFROJ AHMAD S/o Shafi Ahmad Resident of Village- Madho Chhapra, P.S.- Karja (Kanti), Distt- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishant Pravin W/o Md. Afroj Ahmad Resident of Village- Madho Chhapra, P.S.- Karja (Kanti) Distt- Muzaffarpur at present Azad Nagar Ward No.18, P.S. and Distt- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Sinha
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 14-12-2021 Heard the parties.

The petitioner prays for grant of anticipatory bail in
Complaint Case No. 535C/2014 registered for the offence
punishable under Sections 498A/420 of the Indian Penal Code.

On the last date i.e. 29.11.2021, the following order
was passed:-

“Heard the parties.

*It appears that the petitioner has no respect for
a judicial order passed in the year 2015.*

*Learned counsel for the petitioner says that this
is an ex parte order and, therefore, the petitioner will
challenge it in the proper forum.*

*Unless and until, the ex parte order of
maintenance passed in the year 2015 is set aside or
modified by a competent court, that order will be in*



operation, and it is for the petitioner to pay the maintenance to the opposite party No. 2. The petitioner has got interim protection from this Court vide order dated 03.03.2020. Thereafter, although, the petitioner has not taken any interest in complying the order and is adopting delaying tactics.

Learned counsel for the petitioner prays for two weeks' further time to file an affidavit submitting that the petitioner is staying in Oman.

The petitioner could have filed an affidavit sworn in Oman also.

In these circumstances, the interim order dated 03.03.2020 is vacated.

The Principal Judge, Family Court, Jamui, is directed to take all coercive steps against the petitioner for enforcement of the maintenance order of 2015 as the Court cannot be a mute spectator when its order is not being obeyed.

Let a copy of the order be communicated to the Principal Judge, Family Court, Jamui, through FAX and e-mail.

On the next date of hearing, this Court will hear the case finally on merits."

Today also, learned counsel for the petitioner submits that he has been unable to contact his client (petitioner) and prays for withdrawal of the case.

It is very surprising that learned counsel for the petitioner who has filed this application on behalf of the petitioner, after passing of the aforementioned order dated 29.11.2021, says that he is unable to contact his client.

It seems that the petitioner is taking various orders passed by the trial Court and this Court very lightly and he has no



respect for law.

Considering the aforesaid, this is not a fit case for grant of anticipatory bail.

It is, accordingly, dismissed.

Since the petitioner is residing in Oman, the Superintendent of Police, Jamui and Muzaffarpur as well as Director General of Police, Bihar are directed to take all legal steps to get the accused/petitioner extradited with the help of Ministry of External Affairs (M.E.A.), Government of India as well as other central agencies/organizations and produce him before the Court, where the complaint case is pending.

The M.E.A. and concerned central agencies including Central Bureau of Investigation (C.B.I.) are directed to revoke passport of the petitioner and take steps to bring him back to India.

The report about the action taken with regard to the cancellation of the passport and arrest of the petitioner should be filed in this Court within eight weeks.

Put up this case after eight weeks.

(Sandeep Kumar, J)

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