

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44779 of 2018

In
CRIMINAL MISCELLANEOUS No.45360 of 2014

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Md. Amzad Hussain @ Md. Amjad Hussain, S/o Md. Hasnain, R/o Belaganj Bazar, Choti Masjid, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. State of Bihar
2. Amna Khatoon, D/o Haji Md. Imteyaz, R/o Vill.- Lakhna, P.S.- Chandauti Chakand, District- Gaya. At present W/o Saddam Hussain S/o Nehal Ahmad, R/o Gobraha, P.S.- Belaganj, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 18-01-2021 Heard Mr. Md. Nazir, learned counsel for the petitioner; Mr. Shivendra Prasad, learned counsel for Opposite Party No. 2; and Mr. Mritunjay Kumar Gautam, learned APP for the State.

This is an application for modification of the order dated 31.03.2016 passed by a Bench of this Court in Cr. Misc. No. 45360 of 2014.

This Court, while granting bail to the petitioner, had directed for the deposit of Rs. 750/- per month by



the petitioner in favour of Opposite Party No. 2 by order dated 20.11.2014.

Later, by the order dated 13.10.2014, which is sought to be modified, the amount of maintenance has been increased from Rs. 750 /- to Rs. 1500 /- per month.

The learned counsel for the petitioner has submitted that Opposite Party No. 2 has now entered into marriage with one Md. Saddam Hussain since May, 2016. However, despite that, the petitioner has kept on making regular payment of the amount of Rs. 1500/- to her till April, 2018.

In the maintenance case which has been filed by the petitioner, a final order has been passed with respect to maintenance directing the petitioner to make payment of Rs. 3000/- per month to Opposite Party No. 2, which is regularly being paid by him.

The aforesaid submission regarding payment of the maintenance amount of Rs. 3000/- by the petitioner



to Opposite Party No. 2 has been controverted by the counsel of Opposite Party No. 2 who submits that up to date payment has not been made.

The Opposite Party No. 2 shall be at liberty to approach the Court which has fixed the maintenance for ensuring the compliance of its order.

So far as the order dated 13.10.2014 is concerned, that order would be deemed to an order only till the final decision in the maintenance case is passed.

Even otherwise, the assertion of the petitioner of the Opposite Party No. 2 having married again has not been controverted.

Taking this into account along with the fact the court below has passed a final order of maintenance, the order dated 13.10.2014 is modified to the extent that now under this order the petitioner shall not be required to make any payment to Opposite Party No. 2.

It is expected that the petitioner shall continue the payment of the maintenance amount as fixed by the



court below unless the same is modified or rescinded.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

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