

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67832 of 2019

Arising Out of PS. Case No.-1796 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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SADDAM KHALIFA @ SADDAM MIYA, Son of Islam Khalifa, Resident of
Village- Sugauli Kurum Tola, P.S.- Sugauli, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shahnaj Khatoon, Daughter of Late Marhum Sajjad Sah, Resident of
Village- Mehsaul, Ward No. 9, P.S.- Sitamarhi, District- Sitamarhi.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Rajendra Prasad Nat
		Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 22-12-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. 1796 of 2017 registered for the offence
punishable under Sections 498(A)/34 of the Indian Penal Code.

The materials available on record suggest that the
petitioner apart from torturing the opposite party no.2 has also
remarried and despite best efforts by this Court the matter could
not be settled.

Considering the aforesaid facts, this anticipatory
bail application filed on behalf of the petitioner is dismissed.

Learned counsel for the opposite party no.2
informs this Court that a Maintenance Case No.151 of 2021 has



been filed by opposite party no.2 in the Court of learned Principal Judge, Family Court, Sitamarhi.

In such view of the matter, the Principal Judge, Family Court, Sitamarhi, is directed to dispose of the Maintenance Case No. 151 of 2021 within a period of three months from today.

The Principal Judge, Family Court, Sitamarhi, shall not wait for notice to be served upon the petitioner as now the petitioner's advocate has knowledge about the filing of the case in the Family Court, Sitamarhi.

If the petitioner does not appear before the Family Court, Sitamarhi on or before 05.01.2022 then the Principal Judge, Family Court, Sitamarhi, will proceed in the matter in accordance with law. While deciding the maintenance case, the Principal Judge, Family Court, Sitamarhi, will follow the law laid down by the Hon'ble Supreme Court in the case of ***Rajnish v. Neha***, reported in ***(2021) 2 SCC 324***.

(Sandeep Kumar, J)

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