

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.524 of 2022

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Mujahidul Islam S/o Ruhul Islam, Resident of Mohalla - BaltoriaMasjid Para
Barakat Asansol (m Corp), Bardhaman, P.S.- Kulti, West Bengal - 713324.

... .. Petitioner/s

Versus

Misqat Gazala W/o Mujahidul Islam daughter of Late Abdul Sakur, Resident
of Village - Maninda, P.S.- Sheikhpura, District - Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-11-2022 The petitioner is a Constable and has challenged the

impugned order dated 04 – 07 – 2022 passed in Maintenance

Case No. 45 M / 2021 by which a sum of Rs. 7000/- per month

has been awarded as interim maintenance in a proceeding

brought by the respondent-wife under Section 125 Cr.P.C.

It is admitted position that the respondent is the

legally wedded wife of the petitioner. It is also evident that the

respondent was tortured by the petitioner for which a FIR was

lodged *vide* Sheikhpura (Mahila) PS Case No. 41 / 2021 in

which the petitioner is on bail.

Learned counsel for the petitioner submits that at the

time of consideration of the bail application of the petitioner the

respondent-wife had refused to live with the petitioner -husband

and in view of Clause 4 of Section 125 of the Cr.P.C. the



respondent- wife is not entitled for maintenance.

I have heard learned counsel for the petitioner. It transpires that there is a reason behind the respondent not agreeing to live with her husband because she was being tortured for which an FIR was lodged by the wife in which the husband is on bail. Learned Principal Judge, Family Court, Sheikhpura has awarded an interim maintenance of Rs. 7000/- which is a meager amount and this Court is not willing to interfere with the interim maintenance. Accordingly, this petition is rejected.

However, the learned Principal Judge, Family Court, Sheikhpura is directed to dispose the maintenance case finally within a period of four months from the date of receipt / production of a copy of this order.

(Anil Kumar Sinha, J)

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