

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41062 of 2016

Arising Out of PS. Case No.-12 Year-2014 Thana- DOMESTIC VIOLENACE District- Patna

Md. Obaidur Rahman @ Obaidur Rehman Son of Md. Kahlilur Rahman,
Resident of Mohalla- Khuskibagh, P.S.- Sadar Purnea and District- Purnea.

... .. Petitioner/s

Versus

1. State of Bihar
2. Rafat Jahan, D/o S.M. Imdad Hasan, R/o Mohalla- Dargah Shah Arjan Mian Gate, P.S.- Sultanganj and District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abu Haidar, Advocate.
For the State	:	Mr. Pradeep Narayan Kumar, Advocate.
For the Opposite Party No.2:	:	Mr. Uday Pratap Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-01-2024 The present petition under Section 482

Cr. P.C. has been preferred by the petitioner-husband against the impugned order passed by Ld. Additional Sessions Judge in Cr. Appeal No. 120 of 2015 whereby Ld. Additional Sessions Judge, Patna City, has upheld the order dated 6.6.2015 passed by Shri A.K. Rai, Ld. Judicial Magistrate, 1st Class, Patna City, whereby the interim maintenance @ Rs.5,000/- per month has been directed to be paid by the husband-petitioner to his wife who is Opposite Party No. 2 herein.

2. Ld. counsel for the petitioner submits that upto December, 2023 he has already made payment to his wife and he will regularly pay the monthly maintenance as directed by



Ld. Magistrate. However, the petitioner-husband has not been allowed by his wife to meet his two sons who are aged about 10 and 12 years old respectively. Learned counsel for the petitioner is seeking permission to withdraw the present petition.

3. In view of the aforesaid statement of Ld. counsel for the petitioner, the present petition is dismissed as withdrawn.

4. As far as meeting of the petitioner with children is concerned, the petitioner can exercise his right to move the application before the competent court for custody or for visitation right by the petitioner.

5. Learned counsel for the petitioner informs this Court that the proceedings before Ld. Magistrate has been pending since 2014. Hence, Ld. Magistrate is directed to expedite the matter and conclude the same within not more than six months.

6. Ld. Magistrate is at liberty to take coercive measure if the maintenance amount is not paid by the petitioner.

(Jitendra Kumar, J)

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