

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37351 of 2015

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Neha, Daughter of Ajit Kumar Singh, Wife of Abhishekh Kumar, resident of Flat No.404, Dachhineshwar Nandanpuri Khajpura, Police Station- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abhishekh Kumar, Son of Ashok Kumar, Resident of Mohalla- Rajendra Nagar, Police Station- Kadamkuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-08-2015

The present application has been filed for modification of order dated 09.07.2015 passed in Cr. Misc. No. 39090 of 2014 for increasing the quantum of monthly payment by opposite party no. 2 to the petitioner-complainant on the ground that the husband of the petitioner receiving emolument of Rs.1,00,000/- per month.

This Court on the readiness of the husband of the petitioner to make payment of Rs.4,000/- per month from August, 2015 to the complainant granted him anticipatory bail when the offer was accepted by the complainant in connection with Complaint Case No. 2397(C) of 2013 pending in the court of learned Judicial Magistrate, Ist Class, Patna.

It is submitted by learned counsel for the petitioner that the petitioner came to know about the emolument received by her husband subsequent to the passing of the order. Hence, the present modification application has been filed.

The order clearly stipulates that the present payment will be subject to any order being passed in matrimonial, maintenance or other proceeding. The payment offered by the husband of the petitioner is not in pursuance to maintenance proceeding, hence, if the petitioner wants enhancement of the quantum, she can raise the issue in maintenance proceeding.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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