

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15143 of 2014

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1. Shivjee Rai Son Of Ram Pravesh Rai
 2. Ram Pravesh Rai Son Of Late Amiri Rai
 3. Ramwati Devi Wife Of Ram Pravesh Rai
 4. Akhilesh Rai @ Akhlesh Rai Son Of Ram Pravesh Rai
 5. Ram Siyabar Rai Son Of Ram Pravesh Rai All R/O Village- Kusumpur Bhakari, P.S.- Riga, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. Reena Devi Wife Of Kumma Rai @ Uma Rai, Son Of Late Rajdev Rai, Resident Of Village- Sirahi, P.S.- Riga, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 26-08-2015

The present modification application has been filed for waiving of the undertaking given by the petitioner No.1 to pay Rs. 800/- per month to the informant from April, 2013 by depositing the same in the bank account of the informant by second week of every month when petitioner was granted anticipatory bail vide order dated 28.02.2013 passed in Cr. Misc. No. 4236 of 2013 in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The waiving of the condition is sought for on the ground that informant/O.P. No. 2 has performed second marriage with one Krishna Rai and the marriage has been dissolved by an ex-parte decree of divorce dated 29.04.2015

passed in Matrimonial Suit No. 138 of 2012.

Learned counsel for the informant controverts the performance of second marriage but so far as dissolution of marriage is concerned, counsel for the informant is not aware about passing of the decree in Matrimonial Suit No. 138 of 2012.

So far as payment of Rs. 800/- per month to the informant/O.P. No. 2 is concerned, the petitioner No.1 claims to have made the payment till January, 2014, whereas counsel for the informant disputes the same.

The present modification application is disposed of with waiving of the condition of making payment from the date of passing ex-parte decree of divorce in Matrimonial Suit No. 138 of 2012. If the petitioner No. 1 has not made payment till the passing of the decree then he is at liberty to make payment till passing of the decree within a period of four weeks from the date of receipt/production of the copy of this order, otherwise learned Court below will be at liberty to cancel the bail bonds of the petitioner No. 1.

Accordingly the modification application is disposed of in connection with Riga P.S. Case No. 191 of 2012, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

(Dinesh Kumar Singh, J)

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