

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50545 of 2013

=====

Masoom Raja Son Of Late Samsul Haque Resident Of Village- Bindusar
Purab Tola, P.S.- Mahadeva, O.P., District- Siwan

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Anand Kishore Choudhary (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

09/ 11-03-2015

The present application has been filed for modification of order dated 08.03.2013 passed in Cr. Misc. No. 5635 of 2013, whereby petitioner being the husband of the complainant has been granted anticipatory bail in Complaint Case No. 2069 of 2011 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, pending in the court of learned Judicial Magistrate, Ist Class, Siwan. The petitioner undertook to make payment of Rs.5,000/- per month to the complainant from April, 2013 by depositing the same in the bank account of the complainant by second week of every month. The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.



It is submitted by learned counsel for the petitioner that at the time of disposal of the earlier application the petitioner was employed abroad but now he is sitting idle whereas it is submitted by learned counsel for the complainant that the petitioner after return from abroad is working as real estate dealer and complainant has to maintain herself as well as minor child. No documentary proof of the petitioner from earning real estate has not been brought on record.

Considering the submission of the parties, the order dated 08.03.2013 passed in Cr. Misc. No. 5635 of 2013 is modified to the extent that petitioner will make payment of Rs.5,000/- per month to the complainant from April, 2013 till February, 2015 and from March, 2015 the petitioner will make payment of Rs.4,000/- per month by depositing the same in the bank account of the complainant by second week of every month. The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

The arrears of payment will have to be made within three months from today.

Three consecutive defaults in making payment of arrears of the monthly payment will give liberty to the complainant to file appropriate application for cancellation of bail

of the petitioner.

Accordingly, the modification application is

disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--