

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5457 of 2015

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Kundan Kumar son of Late Kamala Prasad Pandit resident of village -
Gaddighat, Post Office Basantpur, Police Station - Rupouli, District -
Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajani Devi @ Rajani Kumari Wife of Kundan Kumar, Daughter of Sri
Mukesh Prasad Singh resident of Mohalla - Larkania Tola, Ghasita
Block, Police Station and District Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Prakash

For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 01-07-2015

The present application has been filed for
modification of order dated 06.09.2012 passed in Cr. Misc. No.
31833 of 2012 for permitting the petitioner not to make payment
of Rs.1,500/- per month to the complainant from November, 2012
since now the opposite party no. 2 has been granted maintenance
of Rs.6,000/- for her child by learned Principal Judge, Family
Court, Katihar vide judgment dated 31st January, 2014 in
Maintenance Case No. 70 of 2012.

It is submitted by learned counsel for the
petitioner that the petitioner has paid up-to-date amount of
Rs.1,500/- as directed by this Court and the said order was subject
to any order being passed in matrimonial or maintenance

proceedings.

Counsel for opposite party no. 2 does not dispute that the payment as directed by this Court has already received by opposite party no. 2. However, it is submitted that direction be issued to the petitioner to make payment of maintenance amount as directed by the Principal Judge, Family Court, Katihar regularly.

Considering the submissions made, the order dated 06.09.2012 passed in Cr. Misc. No. 31833 of 2012 is modified to the extent that in view of the order passed in the maintenance proceeding the petitioner is not required to make any further payment of Rs.1,500/- per month to opposite party no. 2. However, any default in making payment of maintenance amount as directed by the Principal Judge, Family Court, Katihar will be give liberty to opposite party no. 2 to move before the learned court concerned.

Accordingly, this modification application is disposed of in connection with C.A. No. 522 of 2012 pending in the court of learned SDJM, Katihar.

(Dinesh Kumar Singh, J)

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