

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23378 of 2016

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1. Amit Kumar Bhagat @ Amit Kumar Son of Saty Narayan Bhagat
resident of village - Fait, P.S. Basopatti, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Chanda Kumari Daughter of Jeebachh Bhagat resident of village -
Dhepura, P.S. Bisfi, District - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 30-11-2016

The present application has been filed for modification of the order dated 21.01.2016 passed in Cr. Misc. No. 3368 of 2016 to the extent of waiving of the condition of deposit of the maintenance amount as directed in the maintenance proceeding since no order has been passed in the maintenance proceeding and for extending the period of surrender.

The petitioner being husband of the informant was granted anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 379, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act on the submission of the counsel for the petitioner that petitioner is ready to keep the informant with dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-



“That the petitioner is husband of the opposite party no. 2 and he is ready to keep his wife with all respect.”

Though the informant refused to accept the offer of the petitioner since petitioner made an attempt to cause burn injury to the informant but claimed the interim maintenance amount as awarded in the maintenance proceeding. Hence, the bail bond of the petitioner was directed to be accepted by learned Court below by filing proof with regard to the update payment of maintenance amount as directed in the maintenance proceeding.

An affidavit has been filed on behalf of the informant/O.P. No. 2 stating therein that no order has been passed in the maintenance case being M.R. No. 215 of 2015 till date and under wrong instruction the submission was made that interim order of maintenance has been passed. The statement made in para 4 of the affidavit filed on behalf of the informant/O.P. No. 2 reads as follows:-

“That while the informant along with her brother again contacted with the deponent in connection with the present case then the deponent learnt that though M.R. No. 215/15 was filed by the informant and is pending in the Court of Principal Judge, Madhubani but there is no order of payment of interim maintenance.”

It is submitted by learned counsel for the



petitioner that petitioner is ready to appear regularly in the maintenance proceeding and will abide by the order passed in the maintenance proceeding.

In the circumstance, the order dated 21.01.2016 passed in Cr. Misc. No. 3368 of 2016 is modified to the extent that the condition of accepting the bail bond on filing proof with regard to update payment of maintenance amount as directed in the maintenance proceeding is hereby rescind and the period of surrender is extended for a further period of three weeks from the date of receipt/production of the copy of this order.

The order dated 21.01.2016 passed in Cr. Misc. No. 3368 of 2016 is modified to the extent as indicated above.

Accordingly the modification application is disposed of in connection with Basopatti P.S. Case No. 72 of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Madhubani.

(Dinesh Kumar Singh, J)

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