

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1966 of 2016

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Rabind Sah @ Rabindra Sah @ Rabin Sah son of Udaychand Sah, resident
of Village-Terhi Mushahari, P.S.-Farbesganj, District-Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Kiran Devi, wife of Rabin Sah, daughter of Rajendra Sah,
resident of Town Farbesganj, Ward No. 24, P.S.-Farbesganj,
District-Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Sah

For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

The present application has been filed for modification of the orders dated 21.08.2015 and 14.12.2015 passed in Cr. Misc. No. 38150 of 2015 to the extent that it was wrongly recorded in paragraph No. 4 of the order dated 21.08.2015 and paragraph No. 5 of the order dated 14.12.2015 that a matrimonial suit for divorce was filed at earlier point of time and thereafter the present complaint was filed.

It is submitted by learned counsel for the petitioner that Matrimonial Suit No. 159 of 2014 was filed for restitution of the conjugal life and Complaint Case No. 635C of 2014 was filed by the petitioner against the father of the complainant. The petitioner is now ready to keep the complainant as wife with dignity and honour.

Contrary to what has not been stated in the present modification application, it is submitted that in the maintenance proceeding, this fact has not been considered that

petitioner has been directed by this Court vide order dated 14.12.2015 passed in Cr. Misc. No. 38150 of 2015 to make payment of Rs. 1800/- per month to the complainant from January, 2016 and learned Court below awarded Rs. 2000/- per month to the complainant as maintenance.

It is submitted by learned counsel for the complainant that bail bonds of the petitioner has been cancelled since the petitioner failed to make payment of Rs. 1800/- per month as undertaken by him before this Court during hearing of anticipatory bail application.

In the circumstance the modification application is allowed only to the extent as pleaded in the modification application, hence paragraph No. 4 of the order dated 21.08.2015 and paragraph No. 5 of the order dated 14.12.2015 passed in Cr. Misc. No. 38150 of 2015 is modified only to the extent that Matrimonial Suit No. 159 of 2014 was filed by the petitioner for the restitution of conjugal life and complaint case was filed by the petitioner at earlier point of time.

Accordingly the orders dated 21.08.2015 and 14.12.2015 stands modified to the extent as indicated above.

(Dinesh Kumar Singh, J)

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