

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17211 of 2016

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Chandan Kumar Son of Madan Lal Mishra resident of Village- Beri, Police station - Bikram, District Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Smt. Kumari Rekha Wife of Bindeshwar Kumar, D/o OM Prakash Mishra Resident of Village- Mahuali, Police Station -Parsa, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Advocate
For the Opposite Parties : Mr. Hirday Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The present modification application has been filed for modifying the order dated 30.09.2010 passed in Cr.Misc.No.26329 of 2010. By the earlier order (Annexure-1), the petitioner was granted bail with a direction as follows:-

“The petitioner volunteers to deposit Rs.500/-(Five hundred) per month in the court below firstly within 15 days of release from jail custody and subsequently by 15th every month which the wife of the petitioner will be at liberty to withdraw without prejudice the right of the parties.”

It has been submitted by the counsel for the petitioner that the Opposite Party No.2 has solemnized the second married with one Bindeshwar Kumar, son of Rajendra Prasad, resident of

village-Mahuli, Post-Sudha, P.S.-Parsa Bazar, District-Patna, hence the direction in respect to maintenance of Opposite Party No.2 be modified.

Vide order dated 27.04.2016, the notice was issued upon the Opposite Party No.2 and from the order dated 11.07.2016, it is evident that the mother of the Opposite Party No.2 has received the notice and for the said reason, the service of notice was deemed as valid service.

No one appears on behalf of the Opposite Party No.2.

Considering the aforesaid facts and circumstances, taking into account that the Opposite Party No.2 has already performed the second marriage. The order dated 30.09.2010 passed in Cr.Misc.No.26329 of 2010 is modified to the extent that the petitioner shall not deposit the maintenance amount in the court below, i.e., **CJM, Patna** in connection with **Parsa Bazar P.S.Case No.16 of 2010**.

With the aforesaid observation and the direction, the present modification application is disposed of.

(Sudhir Singh, J)

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