

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31324 of 2016

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1. Kameshwar Mahto Son of Late Ragho Mahto
 2. Rajesh Kumar Son of Kameshwar Mahto Both residents of Village- Teldih, P.S.- Ariari, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ravita Kumari D/o Vano Mahto resident of Village Pratappur, P.S. Halsi, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-07-2016

The present application has been filed for modification of the order dated 28.03.2011 passed in Cr. Misc. No. 6530 of 2011, whereby petitioner No. 2 namely Rajesh Kumar being husband of the informant was granted anticipatory bail in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act on the readiness of the petitioner No. 2 to make payment of Rs. 800/- per month to the informant by depositing the same in the bank account of the informant by second week of every month from May, 2011.

It is submitted by learned counsel for the petitioners that petitioner No. 2 is making payment to the informant till date but now the informant has performed second marriage, hence the order dated 28.03.2011 should be

modified to that extent.

The order dated 28.03.2011 passed in Cr. Misc. No. 6530 of 2011 clearly stipulates that the above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

It is difficult in the present proceeding to ascertain that the informant has performed second marriage or not.

In the circumstance, let learned Court below conduct an enquiry with regard to the claim of the petitioner that informant has performed second marriage and if learned Court below comes to the conclusion that informant has performed second marriage then petitioner will not be required to make payment to the informant from the date the learned Court below comes to the conclusive finding on the informant's marriage.

Accordingly the modification application is disposed of in connection with Halsi P.S. Case No. 55 of 2010, pending in the Court of learned Chief Judicial Magistrate, Lakhisarai.

(Dinesh Kumar Singh, J)

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