

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45562 of 2015

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Suman Kumari wife Rakesh Kumar at present residing with her father
Sachin Kumar, resident of village Baikunthpur, P.S. Rajpokar, Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar son of Late Ram Niroha Singh, resident of village
Tarajiyar P.S. Hathauri, Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

7 03-02-2016 Heard counsel for the petitioner and counsel for the

opposite party.

The application seeks modification in the order dated
24.06.2015 passed in Cr. Misc. No. 31142 of 2014 whereby the
opposite party no.2 herein was extended the privilege of
anticipatory bail with conditions that along with the bail bonds he
shall produce the demand draft/bank instrument in the sum of Rs.
4000/- favouring the complainant.

The counsel for the petitioner submits that a proceeding
for grant of maintenance has been filed by the petitioner vide
Maintenance Case No. 164 of 2014 in which the opposite party
has not appeared. Accordingly, it is prayed that by modifying

the order 24.06.2015 this Court may direct the petitioner of the said case to continue to pay interim maintenance until disposal of the said maintenance case. .

Counsel for the opposite party on the other hand submitted with reference to the certified copy of the order-sheet of Maintenance Case No. 164 of 2014 that the husband (opposite party no.2) is regularly appearing in the said case.

Having heard the parties, in my view, the application for modification does not deserve to be allowed. Both parties are pursuing their remedy before the family court for payment of maintenance. The petitioner may pursue the said proceeding for grant of maintenance.

The application is dismissed.

(Kishore Kumar Mandal, J)

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