

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53605 of 2016

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Surendra Yadav, Son of Late Sharifa Yadav, Resident of Village -
Raghopur Bagicha, P.S. Bakhtiyarpur, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. Sona Devi, Wife of Surendra Yadav, Resident of Village - Raghopur Bagicha, P.S. Bakhtiyarpur, District - Patna, at present Resident of Village - Dayachak Barh Nagar Parishad, Ward No. 27, P.S. Barh, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Parties : Smt. Gulnar Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-03-2017 Petitioner Surendra Yadav was allowed provisional anticipatory bail on 05.01.2015 in Cr. Misc. No. 51693 of 2014 in connection with Complaint Case No. 57(C) of 2013. Thereafter the provisional bail was confirmed on 11.07.2016 with direction that the petitioner shall deposit rupees one thousand five hundred per month in favour of opposite party no. 2 who is wife of the petitioner.

The case is under Section 498A of the Indian Penal Code.

This application is for modification of order dated 11.07.2016 to the extent that the petitioner be exempted from payment of maintenance amount for the reason that the wife, opposite party no. 2 has already married with some other person.



The aforesaid fact has been denied by the opposite party no. 2 through a counter affidavit, rather submitted that the husband himself has married with some other lady.

The disputed question of fact of marriage cannot be examined in this application for modification of order.

Hence, prayer for modification is refused.

This application, accordingly, stands dismissed.

(Birendra Kumar, J)

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