

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58262 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Patna

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Gopal Krishna, Son of Shri Devendra Kumar, Resident of Mohalla-
Musallahpur Hatt, Mahavir Lane, Shaistapur Lodge, Police Station-
Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Alka Devi @ Alka Sharma, W/o Gopal Krishna, A resident of East Lohanipur
Paris Lane, P.S.- Kadamkuan, District- Patna, at present Vishnu Enclave A-
302, Salimpur Ahra (Gali No.1), P.S.- Gandhi Maidan, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar
For the Opposite Party/s : Mr. SRI PANCHANAND PANDIT

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2017 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 19.8.2017 passed in Cr. Misc. No. 25426 of 2017 to the extent of extending the period for furnishing bail bonds, in view of the fact that the petitioner is ready to deposit up-to-date maintenance amount as directed by the learned Principal Judge, Family Court, Patna vide order dated 25.7.2016 passed in matrimonial Suit No. 812 of 2012.

The factual matrix of the case is that the petitioner being husband of the informant preferred Cr. Misc. No. 25426 of 2017 for grant of anticipatory bail in a case registered for the offences punishable under Sections 379,323,324,420,406,498A,494 and



120B of the IPC.

Since the issue was not likely to be reconciled and the informant was only inclined to receive payment of monthly maintenance and the amount towards litigation cost, hence the petitioner was directed to be released on furnishing requisite bail bonds and the proof of up-to-date payment of maintenance amount including litigation cost as directed by the learned Principal Judge, Family Court, Patna.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender since he could not manage the amount for payment of up-to-date maintenance amount. However, the petitioner is ready to make payment of up-to-date maintenance amount within a period of four weeks.

Considering the fact that issuance of notice to O.P. No. 2 will further delay the issue and earlier order dated 19.8.2017 passed in Cr. Misc. No. 25426 of 2017 reflects that it was passed with consent of the informant that she is only inclined to receive payment of monthly maintenance, this Court is not inclined to issue notice to the O.P. No. 2.

Accordingly, the order dated 19.8.2017 passed in Cr. Misc. No. 25426 of 2017 is modified to the extent that the period of surrender of the petitioner is extended by four weeks from the



date of receipt/production of a copy of this order if the petitioner files proof with regard to up-to-date payment of maintenance amount including the litigation cost as directed by the learned Principal Judge, Family Court, Patna to the informant O.P. No. 2 vide order dated 25.7.2016 passed in Matrimonial Suit No. 812 of 2012.

This application is disposed of.

(Dinesh Kumar Singh, J)

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