

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21692 of 2017

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Raslal Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Bhatnagar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-05-2017

Heard.

The present application has been filed for modification of the order dated 05.04.2016, passed in Criminal Miscellaneous No.36829/2015 to the extent of extending the period of surrender in connection with Complaint Case No.124C of 2013, pending before the learned SDJM, Supaul, wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A and 494 of the Indian Penal Code.

The petitioner being the husband of the complainant was granted anticipatory bail, on submission that the petitioner is ready to keep the complainant as wife with full dignity and honour, a statement to that effect has been made in paragraph no.15 of the main petition which reads as under :-

"That the petitioner is husband of the complainant and he is ready to keep the complainant as his wife with full dignity and honour. ".



The petitioner has admitted the factum of second marriage. The offer of the petitioner was not accepted by the complainant, claiming maintenance amount of Rs.6000/- per month, as awarded by the In-charge, Family Court, Supaul, vide order dated 07.09.2015, passed in Miscellaneous Case No. 20 of 2014, when it was submitted that the petitioner has already paid the maintenance amount of three months and further undertakes to make monthly payment regularly in view of the order dated 07.09.2015, passed in Miscellaneous Case no.20 of 2014, by the In-charge, Family Court, Supaul. The bail bond of the petitioner was directed to be accepted on filing of proof with regard to the up to date payment of maintenance amount. In case of three consecutive defaults in making payment, the liberty was given to the learned Court below to cancel the bail of the petitioner.

It is submitted by learned counsel for the petitioner that due to death of his father the petitioner could not comply with the order, and that the rest due amount has already been paid, a statement to that effect has been made in paragraph no.8 of the petition, which reads as under :-

"That the petitioner has paid the maintenance amount to the opposite party no.2 regularly in Maintenance Case No.20 of 2014 before the Court of the learned Principal Judge, Family Court, Supaul, and recently the petitioner has paid the amount of Rs.12000/- as rest due



amount to the opposite party no.2 in Maintenance Case No. 20 of 2014 on 17.04.2017."

Considering the nature of accusation and the stand of the petitioner, the order dated 05.04.2016, passed in Criminal Miscellaneous No.36829/2015, is modified to the extent that the period of surrender is extended by three weeks from the date of production/receipt of a copy of this order.

The bail bond of the petitioner will be confirmed by the learned Court below on production of substantive proof with regard to payment of entire maintenance amount as directed vide order dated 07.09.2015 in Maintenance Case No. 20 of 2014. The rest conditions as stipulated in the order dated 05.04.2016, passed in Criminal Miscellaneous No.36829/2015 will remain same.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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