

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37872 of 2016

Arising Out of PS.Case No. -169 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)
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Asha Devi, Wife of Sanoj Rai, resident of Village- Sayasan, Police Station - Bidupur, District Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Sanoj Rai, S/o Baleshwar Rai, resident of Village Sasram Bidupur, District Vaishali.

.... Opposite Parties
=====

Appearance :

For the Petitioner : Mr. Ranjay Kumar Singh, Advocate.
For the State : Mr. Amit Kumar Rakesh, A.P.P.
For the O.P. No. 2 : Mr. Kamlesh Kumar Pathak, Advocate.
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 26-04-2017 Both parties are present in the Court in person.

Heard learned counsels for the petitioner, opposite party no. 2 and learned counsel for the State.

The present application has been filed for cancellation of bail of opposite party no. 2, namely, Sanoj Rai, granted vide Cr. Misc. No. 30070 of 2015 dated 29.07.2015 on his own submissions of payment of Rs. 1500/- per month to the petitioner, namely, Asha Devi.

On behalf of the petitioner, namely, Asha Devi, it has been submitted that opposite party no. 2 is not making payment of Rs. 1500/- per month to the petitioner.



On behalf of the opposite party no. 2, it has been submitted that he is not in a position to deposit the said amount due to financial crunch. It is further submitted on behalf of the opposite party no. 2 that he is willing to keep the petitioner with all respect and dignity with him. It is further submitted on behalf of opposite party no. 2 that since the petitioner has already declined to stay with opposite party no. 2, the petitioner shall not be entitled for any maintenance under the law.

Learned counsel for the petitioner submits that the petitioner does not want to stay with opposite party no. 2.

Considering the aforesaid facts and circumstances, the order dated 29.07.2015, passed in Cr. Misc. No. 30070 of 2015, is modified to the extent that the opposite party no. 2, namely, Sanoj Rai, shall not be making the payment of Rs. 1500/- per month which was being released in favour of the petitioner as the petitioner has declined to stay with the opposite party no. 2. The petitioner has not made out any other ground for the purpose of cancellation of bail granted to opposite party no.2.

The order dated 29.07.2015 passed in Cr. Misc. No. 30070 of 2015 is modified to the extent as indicated above.

The present application is, accordingly, disposed of.

The petitioner will be at liberty to make an appropriate



application before the Family Court in accordance with law, if so advised.

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(Sudhir Singh, J)

