

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17835 of 2016

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Sanjay Kumar @ Sanjay Kumar Gupta, Son of Rajendra Prasad Gupta,
Resident of village – Banki Mongra, P.S. – Banki Mongra, District – Korba
(Chhattsgarh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Kumari, Daughter of Anil Choudhary, Resident of village –
Abhiyan Bazar, P.S. Gopalpur, District – Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 03-05-2017

This matter has been taken up out of turn at the

request of learned counsel for the petitioner.

The present application has been filed for
modification of order dated 29.01.2016 passed in Cr. Misc. No.
30242 of 2015 to the extent of extending the period of serving a
copy of the order on the informant and period of surrender for
further three weeks.

The petitioner being the husband of the
informant was granted anticipatory bail vide order dated
29.01.2016 passed in Cr. Misc. No. 30242 of 2015 in connection
with Gopalpur P.S. Case No. 513 of 2014 registered under
Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry



Prohibition Act, pending in the court of learned Sub-divisional Judicial Magistrate, Naugachia. The petitioner undertook to make payment of Rs.2,000/- per month from March, 2016 to the informant by depositing the same in the bank account of the informant by second week of every succeeding month. The informant accepted the offer of the petitioner and undertook to submit her bank account number on affidavit before the learned court below within a period of three weeks.

It is submitted by learned counsel for the petitioner that the petitioner is making monthly payment to the informant since March, 2016 but could not surrender due to illness and not served the copy of the order to the informant.

Counsel for the informant submits that the petitioner is making payment regularly but in spite of the direction of this Court the petitioner is not appearing in the Maintenance Case No. 87 of 2015 pending in the court of learned Principal Judge, Family Court, Bhagalpur. Hence, the counsel for the informant is not opposing the prayer of the petitioner for modification of the order but prays that the petitioner may be directed to appear in the maintenance case.

In the circumstances, the order dated 29.01.2016 passed in Cr. Misc. No. 30242 of 2015 is modified to



the extent that the period of surrender is further extended by three weeks from the date of receipt/production of a copy of this order.

Since the counsel for the informant has already appeared there is no need for serving copy of the order to the informant in pursuance to the order dated 29.01.2016 passed in Cr. Misc. No. 30242 of 2015.

Counsel for the petitioner submits that the petitioner undertakes to appear in the maintenance case regularly. If the petitioner will default to appear in the maintenance case for three consecutive occasions, the learned court below will be at liberty to cancel the bail bond of the petitioner.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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