

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2960 of 2017

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1. Amaresh Yadav, son of Saryu Yadav, Resident of Village- Sonarkhap,
Police Station- Tankuppa, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramrati Devi, wife of Amaresh Yadav, Daughter of Sri Kashi Yadav,
Resident of Village- Nima Dohar, Police Station- Fatehpur, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-02-2017 Heard learned counsel for the parties.

The present application has been filed for modification of the order dated 19.2.2015 passed in Cr. Misc. No. 3896 of 2015 to the extent of exonerating the petitioner from making payment of rupees four thousand per month to the complainant O.P. No. 2 since the complainant has performed second marriage.

The order dated 19.2.2015 was passed in Cr. Misc. No. 3896 of 2015 whereby the husband of the complainant and brother, father and second wife of the husband of the complainant were granted anticipatory bail in the complaint case no. 525 of 2013 wherein process was directed



to be issued after cognizance being taken under sections 498A,494 and 109 IPC and section 4 of Dowry Prohibition Act pending in the court of the learned SDJM, Gaya.

The reconciliation could not succeed since the petitioner being railway employee performed second marriage. The petitioner offered to pay rupees four thousand per month to the complainant from March, 2015 by depositing the same in the bank account of the complainant by second week of every succeeding month and on acceptance of the said offer by the complainant, the petitioner was granted anticipatory bail. The said payment was directed to be subject to any order being passed in matrimonial or maintenance proceedings.

Now, it is submitted by learned counsel for the petitioner that the complainant has performed second marriage hence she is not entitled to maintenance.

This Court finds no merit in the modification application as in the present proceeding this court cannot decide the factum of second marriage by the complainant. More over, the order dated 19.2.2015 was passed on the specific undertaking given by the petitioner in presence of learned counsel for the complainant.

Accordingly, the modification application is



dismissed.

(Dinesh Kumar Singh, J)

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