

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39901 of 2017

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Krishna Sharma @ Krishna Vishkarma Son of Lalan Sharma Resident of Village-Belaon, P.S.Belaon, District-Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Paramsheela Devi Daughter of Ramraj Sharma Resident of Village-Darigaon, P.S. Sasaram, District -Rohtas.
3. Tufhani Sharma Son of Anil Sharma Resident of Village-Dhaur P.S.-Dehri, District-Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks modification of the order dated 29.07.2015 passed in Cr. Misc. No. 43086 of 2014 stating therein that pre arrest bail was granted to the petitioner on condition that he paid Rs. 1500/- to the opposite party no. 2 his wife per month. The learned court below i.e. the court of the learned Sub Divisional Judicial Magistrate, Rohtas, Sasaram in Complaint Case No. 396 of 2013 pending before him was directed to ensure payment to the opposite party no. 2. He submits that a Maintenance Case No. 152 of 2015 was also filed by the opposite party no. 2 and the opposite party no. 2 has now married with



opposite party no. 3 namely Tufhani Sharma, hence a petition has been filed in the said maintenance case for dismissal of the same which is pending before the Principal Judge, Family Court, Rohtas at Sasaram. He submits now that the opposite party no. 2 is married to opposite no. 3 Tufhani Sharma hence, there is no question of payment of Rs. 1500/- to the opposite party no. 2. It has also been submitted that he had been paid maintenance of Rs. 1500/- till June 2016 but he came know that she has married with opposite party no . 3 in January itself hence, he stopped making payment of the same. Hence, he seeks modification of the order dated 29.07.2015.

Considering the facts and circumstances and the submission of the parties, let the petitioner appear before the court of the learned Sub Divisional Judicial Magistrate, Rohtas in Complaint Case No. 396 of 2013 and bring all the facts before the court below and on being satisfied the learned court below will pass order on merits.

With these observations, this application is disposed of.

(Nilu Agrawal, J)

Devendra/-

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