

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62613 of 2018

In
Criminal Miscellaneous No.50627 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Araria

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Md. Naushad Alam @ Md. Naushad @ Naushad S/o Md. Sayeed, Resident of Villabge-Khaira Garhiya, P.S.-Narpatganj, Distt. Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahila Khatoon D/o Late Md. Sajjad, Resident of Village-Khaira Garhia, P.S.-Narpatganj, Distt.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Naushad Uzzoha, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-10-2018 Heard.

The present application has been filed for modification of the order dated 29.08.2018, passed in Criminal Miscellaneous No.50627 of 2018 to the extent of the condition of complying the order passed in maintenance proceeding and the domestic violence proceeding.

The petitioner was granted bail second time in a case of misuse in connection with Narpatganj P.S. Case No. 300 of 2011, pending before the learned SDJM, Araria. The initial case was registered under Sections 498A/34 of the Indian Penal Code. The petitioner was granted bail with a liberty to the learned Court below to cancel the bail bond of the petitioner, if



the petitioner fails to appear regularly before the learned Court below or the petitioner fails to comply the order passed in the maintenance proceeding with regard to payment of the maintenance amount or the order passed in Domestic Violence Case until the same is modified by any superior Court.

It is submitted by learned Counsel for the petitioner that the petitioner could not furnish the bail bonds since he is not in a position to make payment of maintenance amount due to his pathetic financial condition.

In the circumstances, the order dated 29.08.2018, passed in Criminal Miscellaneous No.50627 of 2018 is modified to the extent that the payment of maintenance amount or compliance of the order passed in Domestic Violence Case will be governed first by the order passed by the Court concerned where the matter is pending

The order dated 29.08.2018 stands modified to the extent as indicated above

Accordingly, the modification application stands disposed.

(Dinesh Kumar Singh, J)

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