

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42837 of 2017

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Raju Ram Son of Ram Avtar Ram Resident of Village - Chudhiya Mai
Asthan, P.S. - Bettiah Muffasil, District - West Champaran, Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sona Devi Daughter of Mangal Ram Resident of Village - Pioni Bag,
Baswariya, Ward No. 32, P.S. - Bettiah Nagar, District - West Champaran,
Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar Gupta, Advocate.

For the Opposite Party : Mr. Parmanand Kumar, APP.

For the Opposite Party No. 2: Mr. Bimlesh Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 24-01-2018 Mr. Bimlesh Kumar Pandey, learned advocate

appearing on behalf of the opposite party no. 2 has filed the

counter affidavit. Let it be taken on record.

The petitioner has sought modification of the order
dated 27.08.2014 passed by a Bench of this Court in Cr. Misc. No.
44643 of 2013 whereby the provisional anticipatory bail of the
petitioner was confirmed but with the caveat that he shall
continuously pay Rs. 2000/- per month to the
complainant/opposite party no. 2. The aforesaid order was never
obeyed by the petitioner because of the financial constraints of the
petitioner being unemployed and no money was paid to the
opposite party no. 2. The petitioner was thereafter, for
disobedience as well as non-compliance of the directions given by



the order dated 27.08.2014, was taken into custody on 13.09.2017. The petitioner thereafter was released on bail by the learned Chief Judicial Magistrate, Bettiah vide order dated 20.09.2017.

The petitioner is out of jail not by virtue of the order which is sought to be modified. The order dated 27.08.2014 would have been operative till the petitioner paid Rs. 2000/- per month to opposite party no. 2. Be it noted that the aforesaid order was of confirmation of the provisional anticipatory bail which was granted to the petitioner. After the petitioner was taken into custody for non-compliance of the directions in the order, the present order has lost its force and cannot be acted upon now.

In that case, there would be no need of modification of the present order.

However, in the interest of justice, it is observed that if the opposite party no. 2, if so advised, may file necessary application before the family court for seeking maintenance from the petitioner. As and when such a petition would be filed, the family court shall look into the matter and would pass necessary/appropriate orders in accordance with law.

Accordingly, the petition is disposed off.

(Ashutosh Kumar, J)

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