

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4392 of 2018

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Divyendu Saurav, S/o Rudranand Mishra, Resident of Village- Tarapur,
P.S.- Tarapur, District- Munger.

.... Petitioner

Versus

1. The State of Bihar.
2. Richa Kumari, D/o Phanibhushan Acharya, R/o Village- Bampura, P.S.-
Kaira, District- Jamui presently residing at Ajanta Art Press Second
Floor, Kachahari Road, Jamui.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sarvan Kumar, Advocate.
For the State : Mr. Awadhesh Kumar Singh, Advocate.
For the O.P. No. 2 : Mr. Binay Kumar and Mr. Md. Najmul Hoda,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-08-2018 Heard learned counsel for the petitioner, learned counsel
for opposite party no. 2 and learned counsel for the State.

The present application has been filed for modification of
the order dated 21.05.2015 passed in Cr. Misc. No. 12932 of 2015,
by which the petitioner was granted anticipatory bail in connection
with Jamui Mahila P.S. Case No. 11 of 2014, pending in the court
of learned S.D.J.M., Jamui on the submission made on behalf of
the petitioner that the petitioner is ready to deposit an amount of
Rs. 1500/-(fifteen hundred) per month in the court below and the
said amount was to be released in favour of the opposite party no.
2.



Annexure-4 to the supplementary affidavit is the order passed by the learned Principal Judge, Family Court, Jamui. The learned Principal Judge, Family Court, Jamui, on the application under Section 125 Cr. P.C. filed on behalf of the opposite party no. 2 has passed an order of maintenance by his order dated 03.04.2017.

The following is the order in respect of maintenance passed by the learned Principal Judge, Family Court, Jamui.

“7. So on the basis of discussion made above, I come to the conclusion that applicant has been able to establish her case, against the O.P. Accordingly, O.P. is ordered to make the payment of Rs. 4,000/-(four thousand) per month to the applicant as maintenance from the date of application i.e. from 02.09.2014. O.P. is further ordered to make the payment of current monthly maintenance to applicant within ten days of every month. O.P. is further ordered to make the payment of arrears of maintenance to the applicant in six instalments within six months from the date of passing of this order.”

The said order of maintenance in favour of opposite party no. 2 has been passed after following procedure under Section 125 Cr. P.C.

Considering the fact that the learned Principal Judge, Family Court, Jamui, has already passed an order in respect of



maintenance. Hence, the petitioner seeks exemption for depositing Rs. 1500/- (fifteen hundred) per month in the court below in favour of opposite party no. 2.

In the aforesaid facts and circumstances, the order dated 21.05.2015 passed in Cr. Misc. No. 12932 of 2015 stands modified to the extent that the petitioner will not deposit Rs. 1500/-(fifteen hundred) per month in favour of opposite party no. 2. Rest of the conditions will be the same.

The modification application is allowed to the extent as indicated above.

Let this order be communicated to the learned court below through e-mail.

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(Sudhir Singh, J)

