

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40133 of 2017

Arising Out of PS. Case No.-105 Year-2017 Thana- BIHTA District- Patna

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Sarita Devi, Wife of Sunil Kumar @ Bhola Singh, resident of Village- Sikandarpur, P.O.- Ditiyana, P.S.- Bihta, District- Patna at present residing at Jyotish Path, West Ramkrishna Nagar, Near Patna Convent School, P.S. Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar @ Bhola Singh, resident of Village- Sikandarpur, P.O.- Ditiyana, P.S. Bihta, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha
For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 22-11-2018 The petitioner/wife by the present petition has sought cancellation of bail of opposite party no. 2 which was granted to him by order dated 01.07.2017 passed by a Bench of this Court in Cr. Misc. No. 21196 of 2017.

After some arguments, learned counsel appearing for the petitioner agreed that if the opposite party no. 2/husband would resume paying Rs. 5000/- per month as directed by the order, the petitioner shall not pursue the present application seeking cancellation of his bail.

Actually, a confusion had arisen whether the opposite party no. 2 was required to make a one time



payment of Rs. 5000/- for the purposes of grant of bail or that was the condition fixed by the court in granting bail in the first instance and then allowing it to be continued. On perusal of the order passed by this Court in Cr. Misc. No. 21196 of 2017, this Court is of the view that what the learned Bench meant was that the opposite party no. 2 shall keep on paying Rs. 5000/- per month to the petitioner/wife towards her maintenance.

Mr. Akhouri Kamal Kishore Sahay, learned advocate who has appeared for opposite party no. 2 has submitted after taking instructions from his client that the payment of Rs. 5000/- per month shall be resumed from the month of November, 2018 regularly within the first ten days of each succeeding month. The arrears of the payment, to be calculated from the date of the order passed in Cr. Misc. No. 21196 of 2017 shall be cleared by the opposite party no. 2 within a period of six months in installments. This arrangement *prima facie* satisfies the counsel for the petitioner. It is expected that the opposite party no. 2 shall not make any breach of the aforesaid undertaking/promise made in the Court. Should he do so, it would be open for the petitioner to approach this Court again for recalling of the present order.

The aforesaid arrangement shall be subject to



the result of the proceeding under Section 125 Cr.P.C.

Under such circumstances, the present petition
seeking cancellation of bail is disposed off.

(Ashutosh Kumar, J)

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