

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56556 of 2017

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Madhav Krishna Dubey, S/o Sri Taraknath Dubey, Resident of Mohalla-
Karnamepur, P.S.- Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Dubey, W/o Madhav Krishna Dubey, D/o Jamuna Mishra, at present residing at Quarter No. D/5 Police Line, Chapra, Near Gandhi Chowk, P.S. Chapra Town, District – Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan, APP
For Opposite Party No. 2 : Mr. Nawnit Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 27-06-2018

Heard Mr. Dewendra Narayan Singh, learned counsel for the petitioner and Mr. Nawnit Kumar Tiwary, learned counsel for opposite party no. 2.

The present modification application has been filed for modification of order dated 01.12.2016 passed in Cr. Misc. No. 4966 of 2016 to the extent of confirming the provisional anticipatory bail granted to the petitioner.

The petitioner being the husband of the complainant-opposite party no. 2 preferred Cr. Misc. No. 4966 of 2016 with a prayer for anticipatory bail in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the



Indian Penal Code.

The marriage between the petitioner and opposite party no. 2 and birth of two children are admitted facts. Out of two children one child is residing with the petitioner, who is an Air Force Personnel, and in pursuance to the order dated 21.11.2014 passed in Matrimonial Suit No. 435 of 2014 the petitioner was paying maintenance of Rs.3,000/- to the complainant-opposite party no. 2 and Rs.500/- to the minor child per month from the date of order i.e. 01.07.2015. The petitioner was granted provisional anticipatory bail for six months and petitioner was directed to deposit the revalidated draft, if it has already expired or make payment of the equivalent amount through bank payee cheque. The provisional bail of the petitioner was directed to be confirmed by the learned Court below on payment of up to date maintenance amount.

The report of learned S.D.J.M., Saran at Chapra dated 28.02.2018 at Flag 'X' reflects that the provisional bail got lapsed on 15.06.2017 but the petitioner did not file any chit of documents with regard to payment of up-to-date maintenance amount to the complainant.

Learned counsel for the petitioner submits that an affidavit has been filed to the effect that the bail bond has not



been cancelled and he has complied the undertaking and further undertakes to make payment of maintenance amount regularly.

Learned counsel for the complainant-opposite party no. 2 submits that the complainant has received up-to-date payment and at present he is not opposing the present modification application.

In the circumstances, the order dated 01.12.2016 passed in Cr. Misc. No. 4966 of 2016 is modified to the extent that the provisional anticipatory bail granted to the petitioner vide order dated 01.12.2016 is, hereby, confirmed in connection with Complaint Case No. 2890 of 2014, pending in the Court of learned Sub-divisional Judicial Magistrate, Saran at Chapra and the petitioner is allowed to remain on the same bail bond which was earlier furnished.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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