

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6943 of 2019

In
CRIMINAL MISCELLANEOUS No.40919 of 2016

Arising Out of PS. Case No.- Year-0 Thana- District-

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CHANDRAKANT TIWARI Son of Narayan Tiwari Resident of village-
Marsara,

... .. Petitioner/s

Versus

1. The State of Bihar AND ANR Bihar
2. Sati Devi wife of Chandrakant Tiwari, Resident of village- Marsara, At
present resident of P.S.- Siswan, District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2019 Heard learned counsels for the parties.

The present application has been filed for modification of
the order dated 28.4.2017 passed in Cr. Misc. No.40919 of
2016.

The petitioner being husband of the informant in a case
registered for the offences punishable under Sections 498A and
494 of the IPC and Sections 3 and 4 of Dowry Prohibition Act,
preferred Cr. Misc. No. 40919 of 2016 with a prayer for
anticipatory bail in connection with Siwan Mahila P.S. Case No.
179 of 2015 pending in the Court of learned SDJM, Siwan and
was granted provisional anticipatory bail for a period of four months
vide order dated 28.4.2017. The provisional anticipatory bail of the



petitioner was to be confirmed by the learned Court below on filing proof with regard to up-to-date payment of maintenance amount including the arrears as directed by the Commandant, 210 Cobra Battalion, CRPF vide order dated 21.11.2014 whereby the petitioner being Constable in CRPF was directed to make payment of Rs.5000/- per month to the informant.

It is submitted by learned Senior counsel for the petitioner that now the petitioner has been dismissed from service, hence he is unable to make payment of arrears of maintenance amount as well as the monthly amount of maintenance.

Since the payment of maintenance amount has been ordered by the employer of the petitioner, this Court cannot modify the said order. However, the petitioner will be at liberty to move the authority concerned for redressal of his grievances within a period of three weeks from today. The learned Court below is expected to accept the bail bond of the petitioner till disposal of the application of the petitioner by his employer.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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