

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19162 of 2019

In
CRIMINAL MISCELLANEOUS No.2569 of 2015

Arising Out of PS. Case No.-63 Year-2013 Thana- BANKA District- Banka

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Md. Sameer @ Aftab Ansari @ Md. Samir Ansari Son of Md. Sajid Ansari
Resident of Village-Bagpur, P.S.- Panjwara, District - Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gajala Khatoon Md. Naushad Resident of Village-Bagpur, P.S.- Panjwara,
District - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary
For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-04-2019 Heard parties.

2. This modification application has been filed for modification of the order dated 07.10.2015 passed in Criminal Miscellaneous No. 2569 of 2015.

3. Petitioner had filed anticipatory bail application being Criminal Miscellaneous No. 42415 of 2013 and by order dated 28.01.2014, provisional anticipatory bail was granted to the petitioner and he was directed to pay sum of Rs. 750/- per month to Opposite Party No. 2 and in case of his failure to pay maintenance amount, the provisional anticipatory bail would be



automatically cancelled.

4. Notices were issued to Opposite Party No. 2 and provisional bail granted to the petitioner was cancelled by order dated 03.09.2014 for non appearance of petitioner and his anticipatory bail petition was dismissed for non prosecution.

5. Petitioner filed Criminal Miscellaneous No. 2569 of 2015 for grant of regular bail and by order dated 22.01.2015 notices were issued to Opposite Party No. 2 and petitioner was granted provisional bail with a condition that he would pay Rs. 750/- per month to Opposite Party No. 2 after his release on bail and petitioner deposited sum of Rs. 750/- in the court below and by order dated 07.10.2015 the provisional bail granted to the petitioner was confirmed and the maintenance amount was enhanced from Rs. 750/- per month to Rs. 1500/- per month. However, same was never paid by petitioner to Opposite Party No. 2.

6. Petitioner has filed the present revision petition for modification of order that he would deposit sum of Rs. 2 Lacs by way of one time settlement in favour of Opposite Party No. 2 instead of depositing sum of Rs. 1500/- per month. Petitioner was directed by order dated 07.10.2015 passed in Criminal Miscellaneous No. 2569 of 2015 to pay maintenance amount of



Rs. 1500/- per month to Opposite Party No. 2 and the same was never paid by petitioner which was a condition for grant of bail and after four years of order passed by this Court which was continuously flouted by petitioner, present petition for modification of said order has been filed which appears to be malafide with ulterior motive indicating fraudulent conduct and intention of petitioner and as such the present modification petition is dismissed.

(S. Kumar, J)

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