

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20829 of 2019

In
CRIMINAL MISCELLANEOUS No.27537 of 2016

Arising Out of PS. Case No.-29 Year-2016 Thana- MAHILA PS District- Buxar

Sanjay Kumar Gupta @ Sanjai Kumar Gupta @ Sanjai Gupta, Son of
Ramchandra Gupta @ Ramchandra Sao, Resident of Village - Chotaki
Sarimpur, P.S.- Buxar Town, Distt - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhim Gupta, Son of Late Ram Lakhan Sao, Resident of Village -
Koranisarai, P.S.- Koransarai, Distt - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2019 The present application has been filed for

modification of order dated 06.02.2017 passed in Cr. Misc. No.

27537 of 2016, whereby the petitioner was granted anticipatory

bail in connection with Buxar (Mahila) P.S. Case No. 29 of

2016, pending in the Court of learned Chief Judicial Magistrate,

Buxar on readiness of the petitioner that he is ready to make

payment of Rs.2,500/- per month from March, 2017 to the

father of the informant for upbringing of the minor child of

deceased informant including the expenditure for his education

by depositing the same in the bank account of the father of the

informant by second week of every succeeding month and



allowed the petitioner to meet the child once in a month.

Considering the fact that the case was registered by the wife of the petitioner with accusation under Sections 341, 323, 504, 506, 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, it appears that during the pendency of the anticipatory bail application of the petitioner the informant died and thereafter, the father of the informant was impleaded as opposite party no. 3. On readiness of the petitioner to make payment of Rs.2,500/- per month for the welfare of the child he was granted anticipatory bail.

It is submitted by learned counsel for the petitioner that now the petitioner is facing extreme financial hardship, however, he is ready to keep the child with him. Moreover, the petitioner has not been allowed to meet the child.

Since the order dated 06.02.2017, which is being sought to be modified was passed, on readiness of the petitioner to make payment for the welfare of the child, this Court is not inclined to revise the earlier order.

So far as the prayer for allowing the petitioner to meet the child is concerned, the undertaking of the informant's father was recorded in the said order to the effect that he will allow the petitioner to meet the child once in a month in presence of two



local Panchayat representatives, if the Panchayat representatives certify that the child is inclined to meet the petitioner and the father of the informant was supposed to file an affidavit to that effect before the learned Court below. There is nothing on record to suggest that the petitioner made any effort to meet the child or the father of the informant has not filed any affidavit in this regard before the learned Court below that he has no objection in allowing the petitioner to meet the child. However, so far as the question of custody of the child is concerned, it can be decided in appropriate proceeding. Hence, this Court is not inclined to interfere.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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