

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67532 of 2018

In
CRIMINAL MISCELLANEOUS No.12501 of 2016

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

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Md. Sahadat Hussain @ Sahadat Hussain, Son of Md. Motiur Rahman,
Resident of Village- Mirjapur Ward No.5, P.S.- Bausi Baseti, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar

2.Bibi Nitu Thopa @ Rupnisha Pravin, Wife of Md. Sahadat Hussain,
Resident of Village – Mirjapur, Ward No. 5, Bausi Baseti District – Araria at
present wife of Mukesh Yadav, Resident of Musahari Tola Near Araria
College Ward No. 7, P.S. Bausi, District – Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2019 The present application has been filed for

modification of order dated 06.09.2016 passed in Criminal

Miscellaneous No. 12501 of 2016 to the extent of waiving the

condition of making payment of Rs.1500/- per month by the

petitioner to informant-opposite party no. 2.

The factual matrix of the case is that the petitioner,

being the husband of the informant, preferred Criminal

Miscellaneous No. 12501 of 2016 with a prayer for anticipatory

bail in connection with Araria Mahila P.S. Case No. 15 of 2015

registered for the offences punishable under Sections 498A,

341, 323 and 298/34 of the Indian Penal Code, pending in the



Court of learned Sub-divisional Judicial Magistrate, Araria. The issue was resolved on the undertaking of the petitioner that the petitioner is ready to make payment of Rs.1500/- per month to the informant-opposite party no. 2 from November, 2016. Now the petitioner is not ready to make payment to the informant-opposite party since she has already performed second marriage with one Mukesh Yadav and now she has two children from the second husband. Moreover, petitioner has also given talak to the informant-opposite party no. 2.

In view of the nature of submissions advanced on behalf of the petitioner, this Court is not inclined to revise the earlier order. However, liberty is given to the petitioner to file appropriate application before the learned Court below when the learned Court below issue notice to the informant-opposite party no. 2 and if it is found the informant has performed second marriage, in that eventuality the condition of payment will be modified by the learned Court below.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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