

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25527 of 2017

In
CRIMINAL MISCELLANEOUS No.30138 of 2012

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Surendra Choudhary S/o Late Rameshwar Choudhary R/o Vill Rowari P.S.
Shikarpur Dist West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 03-07-2019

Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 24.8.2012 passed in Cr. Misc. No.30138 of 2012 to the extent that the petitioner be permitted not to make payment of Rs.1000/- per month to the complainant as undertaken by him during hearing of the aforementioned Criminal Miscellaneous petition.

It is submitted that the proceeding under Section 125 Cr.P.C. has been disposed of by the learned Court below and the marriage between the petitioner and the complainant has been dissolved but in spite of that, the petitioner has to pay Rs.1000/- per month to the complainant. Hence, this application.



The petitioner being husband of the complainant in a case wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Section 4 of Dowry Prohibition Act, preferred Cr. Misc. No. 30138 of 2012 with a prayer for anticipatory bail and was granted anticipatory bail on the undertaking of the petitioner to pay Rs.1000/- per month to the complainant from October, 2012, however, the aforesaid payment was subject to any order passed in matrimonial or maintenance proceeding.

It appears that the petitioner preferred Cr. Misc. No. 7608 of 2013 with similar prayer which was disposed of vide order dated 20.2.2013, as contained in Annexure 2, on the ground that the order dated 24.8.2012 clearly stipulated that the aforesaid payment is subject to order passed in matrimonial or maintenance proceeding.

In the circumstances, this Court is not inclined to interfere in the matter. This application is, accordingly, dismissed.

However, this order will not preclude the petitioner to file appropriate application under Section 127 of the Cr.P.C before the learned Court below



in maintenance proceeding.

(Dinesh Kumar Singh, J)

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