

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70426 of 2018

In
CRIMINAL MISCELLANEOUS No.37463 of 2018

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

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Chitrانjan Baitha, son of Dinanath Baitha, resident of Village- Nagari, Police Station- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Poonam Devi wife of Chitrانjan Baitha, resident of Village- Nagari, Police Station- Charpokhari, District- Bhojpur at present residing at Village- Ghagha, Police Station- Behea, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 16-10-2019 The present application has been filed for modification of the order dated 20.09.2018, passed in Cr. Misc. No. 37463 of 2018, for extending the period of surrender and furnishing bail bonds. The petitioner, being the husband of the complainant/opposite party no.2 was granted anticipatory bail in connection with Complaint Case No. 152C of 2013, wherein process was directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Sections 3/4 of the Dowry Prohibition Act.

I.A. No. 01 of 2019

The aforementioned Interlocutory Application has



been filed for quashing the order dated 02.02.2019 passed by learned SDJM, Bhojpur at Ara, in Complaint Case No. 152C of 2013, whereby non-bailable warrant arrest has been issued against the petitioner for non-compliance of the Court's order dated 20.09.2018, passed in Cr. Misc. No. 37463 of 2018, whereby the petitioner was granted bail subject to filing proof of update payment of maintenance amount.

It appears that on submission of learned counsel for the petitioner that as desired by the complainant, the petitioner is ready to make payment of maintenance amount as awarded by learned Principal Judge, Family Court, Ara in Maintenance Case No. 26 of 2013, the petitioner was granted anticipatory in the event of arrest or surrender on furnishing bail bonds within a period of six weeks.

The bail bonds of the petitioner was to be accepted by the learned Court below on filing of proof with regard to payment of up-to-date final maintenance amount.

Learned counsel for the petitioner submits that since the petitioner could not file proof with regard to payment of up-to-date final maintenance amount hence could not surrender and furnish bail bonds, learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara, vide order dated 02.02.2019, passed in



Complaint Case No. 152C of 2013 has issued non-bailable warrant against the petitioner. The said order has been challenged by the petitioner through I.A. No. 01 of 2019.

Learned counsel for the petitioner further submits that now entire maintenance amount has been paid to the complainant and this fact has also been accepted by the learned counsel for the complainant. Hence, the prayer of the petitioner is not being opposed by the learned counsel for the complainant.

Considering the fact that entire maintenance amount has been paid to the complainant, order dated 02.02.2019, passed in Complaint Case No. 152C of 2013, by learned SDJM, Bhojpur at Ara is hereby quashed.

Accordingly, I.A. No. 01 of 2019 is disposed of.

The order dated 20.09.2018 is modified to the extent that period of surrender and furnishing bail bonds is extended by 5th of December, 2019. However, the rest of the conditions, as incorporated in the order dated 20.09.2018, passed in Cr. Misc. No. 37463 of 2018 shall remain the same.

Accordingly, the present modification application stands disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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