

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34168 of 2019

In
CRIMINAL MISCELLANEOUS No.44231 of 2016

Arising Out of PS. Case No.-267 Year-2015 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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MD. HASNAIN Son of Md. Hasan Imam Resident of Village-Sirnia, P.S.-
Ashok Paper Mill, District-Darbhangha.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shakila Khatoon Daughter of Md. Usman Resident of Chitha Dilawarpur,
P.S.-Baheri, District-Darbhangha.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Durga Nand Jha
For the Opposite Party/s : Mr.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-07-2019 Heard learned counsels for the parties.

The present application has been filed for modification of the order dated 25.10.2016 passed in Cr. Misc. No.44231of 2016.

The petitioner being husband of the complainant in a complaint case wherein process was directed to be issued after cognizance being taken the offences punishable under Sections 498A and 323 of the IPC, preferred Cr. Misc. No. 44231 of 2016 with a prayer for bail and was granted bail on the submission of the learned counsel for the petitioner that the petitioner is ready to make payment of Rs.3000/- per month to the



complainant, which will be subject to any order being passed in matrimonial or maintenance or any other related proceeding.

It is submitted by learned counsel for the petitioner that the petitioner is not able to make payment of the aforesaid amount. It is further submitted that the maintenance proceeding before the learned court below has concluded and final order has been passed.

Keeping in view the fact that the order of this Court was passed on submission of learned counsel for the petitioner that the petitioner is ready to make payment of Rs.3000/- per month to the complainant and such payment was subject to any order being passed in matrimonial or maintenance or any other related proceeding, this Court is not inclined to interfere. However, the petitioner is at liberty to raise the issue in the appropriate proceeding.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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