

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72912 of 2018

In
CRIMINAL MISCELLANEOUS No.28749 of 2015

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

=====

Santosh Chaurasiya @ Santosh Kumar Chaurasiya Son of Chandra Kant Prasad Resident of Naya Tola, Bariyarpur, P.S. Bakhtiyarpur, Distt.-Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Neha Chaurasiya W/o Santosh Chaurasiya Resident of S.F. Quarter No.119/2 Army Cant, Danapur, P.S.-Danapur, Distt.-Patna, presently residing at Harmu Bazar, Chapra Store near Panch Mandir, P.S. Angora, Distt.-Ranchi (Jharkhand)

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sarvan Kumar
For the Opposite Party/s : Mr.Sri Rajendra Singh Shastriji

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-04-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The present application has been filed for modification of the order dated 23.07.2015 passed in Cr.Misc.No. 28749 of 2015 in connection with Danapur P.S. case No.118 of 2015 pending in the court of C.J.M., Danapur, Patna.

The petitioner was granted anticipatory bail by order dated 23.07.2015 passed in Cr.Misc.No. 28749 of 2015.

In paragraph 4 of the order dated 23.07.2015, the following submission was made on behalf of the petitioner :



“It has been submitted on behalf of the petitioner that the petitioner is ready to keep the informant but the same is not acceptable to her. It is further submitted that the petitioner is ready to deposit a sum of Rs.3000/- per month before the court below which shall be released in favour of the informant.”

Considering the submissions made on behalf of the petitioner, the petitioner was directed to deposit Rs.3000/- per month in the court below, which was to be released in favour of the informant.

It has been submitted on behalf of the petitioner that a final order dated 28.07.2018 has been passed by the Family Court in original Maintenance case No.106 of 2016 under Section 125 of the Cr.P.C.

In paragraph 17 of the order dated 28.07.2018, the following observation of the Family Court is as follows :

“17. Hence after appreciating the entire pleading and the evidence in the record this court thinks it proper that the Opposite Party is liable to pay the maintenance to the applicants and accordingly it is ordered that the Opposite Party is directed to pay Rs.6,000/- (Rupees six thousand) per month to the petitioner No.1, wife and Rs.2,500/- (Rupees Two thousand, Five hundred) per month to Petitioner No.2 and Petitioner No.3



each (total Rs. Eleven thousand per month). The petitioner no.2 will be entitled for the maintenance till she is married and the petitioner no.3 will be entitled for the maintenance till attains the age of majority. Respondent is further directed to pay som of Rs. 10,000/- in lumsum to the petitioner as litigation cost. The order of maintenance will come into force from the date of this judgment. The Opposite Party is further directed to make payment of maintenance by 10th Day of every month positively.”

In the light of the order passed by the Family Court, the petitioner seeks modification in the order dated 23.07.2015 passed in Cr.Misc.No. 28749 of 2015 regarding exemption from depositing Rs.3000/- per month.

No further amount is to be deposited by the petitioner in pursuance of the order dated 23.07.2015 after the order dated 28.07.2018 passed by the Family Court.

The order 23.07.2015 passed in Cr.Misc.No. 28749 of 2015 is modified to the extent as indicated above.

The modification application is, accordingly, disposed of.

Narendra/-

(Sudhir Singh, J)

U		T	
---	--	---	--

