

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56153 of 2018

In

CRIMINAL MISCELLANEOUS No.58772 of 2017

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

Aradhana Kumari @ Aradhana Devi, Wife of Sri Pawan Kumar Mandal,
Resident of Village- Khuthadih, Police Station- Barahiya, in the District of
Lakhisarai. Presently residing in Village- Mokamaghat, Police Station-
Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pawan Kumar @ Pawan Kumar Mandal @ Pavan Kumar, Son of Late Arjun Mandal, Resident of Village- Khuthadih, Police Station- Barahiya, in the District of Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv.

For the Opposite Party/s : Mr. Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 17-04-2019 The petitioner seeks modification of the order

passed by this Court on 25.07.2018 in Cr. Misc. No. 58772

of 2017, whereby the application filed by the petitioner/wife

for cancellation of bail of opposite party No. 2, the husband

of the petitioner, has been rejected.



2. The application for cancellation of bail was rejected on the averment made on behalf of the opposite party No. 2 that Rs. 30,000/- is being deducted from his salary and is being remitted in the account of the petitioner/wife.

3. The present petition has been filed on the ground that at the time of grant of a bail to the opposite party No. 2 on 12.12.2013, passed in Cr. Misc. No. 35137 of 2013, it was directed that, as a condition precedent for a bail, the husband was required to pay to the petitioner/wife an interim maintenance of Rs. 5,000/- per month.

4. However, while recording the aforesaid observation/direction, this Court, in the aforesaid order, was categorical in making such order subject to any order on the point by the competent Court.

5. Since Rs. 30,000/- per month, in all, is being deducted from the salary of the husband of the petitioner, out of which Rs. 10,000/- has been awarded as an interim maintenance in the petition under Section 24 of the Hindu Marriage Act, 1955 maintenance *pendente lite* inclusive of



cost of litigation) and instalment of Rs. 20,000/- towards the final amount of Rs. 5,84,000/-, there is no reason for this Court to interfere or modify the order rejecting the application seeking cancellation of bail of the opposite party No. 2.

6. In case, the remittance of money in the account of the petitioner/wife shall be stopped for any unexplained reason in future, it would be open for the petitioner/wife to approach this Court for necessary orders.

7. The application for the modification of the order dated 25.07.2018 is, therefore, rejected with the observation as indicated above.

(Ashutosh Kumar, J)

Praveen-II/-

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