

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57169 of 2019**

**In
CRIMINAL MISCELLANEOUS No.18310 of 2019**

Arising Out of PS. Case No.-745 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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SHARDA PRASAD @ SHARDANAND S/o Late Kunwar Bhagat R/o
Village- Bhitbherwan Koiri tola, ward No. 15, P.S.- Gopalganj Town, District-
Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sangeeta Devi Wife of Shardanand Prasad @ Shardanand R/o Village-
Bhitbherwan Koiri tola, Ward No. 15, P.S.- Gopalganj Town, District-
Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 11-09-2019 This application has been filed for modification of

order dated 01.08.2019 passed in Criminal Miscellaneous
No.18310 of 2019, by which, the petitioner has been granted the
privilege of anticipatory bail.

Submission of learned counsel for the petitioner is
that the petitioner was directed to surrender by 14.08.2019 with
condition to hand over the possession of the house of Ward
No.15 to opposite party No.2 and also allowed to pay an amount
of Rs.4000/- (*Rupees Four Thousand*) per month to opposite
party No.2 and now the petitioner is unable to reside in that



house and as such this modification application has been filed.

On perusal of the order dated 01.08.2019 passed in above Criminal Miscellaneous No.18310 of 2019, it appears that submission of learned counsel for the petitioner was that he is still ready to allow her to reside in the house of Ward No.15 and he will bear the expense of opposite party No.2 and her children and on that basis the order was passed and later on opposite party No.2 was allowed to reside in the house of Ward No.15.

Considering the above fact, I am not inclined to interfere with the earlier order passed by this Court in connection with Gopalganj Town Police Station Case No.745 of 2018. However, order dated 01.08.2019 only shows that opposite party No.2 was only allowed to live in the house at Ward No.15, it does not mean that ownership of the house was given to her. If the petitioner also wants to reside in that house, he will pray before the court below who after hearing opposite party No.2 may pass any necessary direction.

Accordingly, with above observation this modification application stands disposed of.

(Vinod Kumar Sinha, J)

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