

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31856 of 2018

Arising Out of PS. Case No.-11 Year-2015 Thana- GHOGHARDIHA District- Madhubani

Manisha Devi W/o Pankaj Kumar Jha, resident of Village- Chikna, P.S. Ghoghardiha, District- Madhubani, D/o Late Ganesh Chandra Jha, Resident of Village- Bhakraien, P.S. Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Pankaj Kumar Jha @ Lal Jha, Son of Yadav Lal Jha, resident of Village- Chikna, P.S.- Ghoghardiha, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-09-2019 Heard learned counsel for the parties.

Though in paragraph no. 1 of the petition, prayer has been made for cancelling the bail of the O.P. No. 2 but basically, the present application has been filed for increasing the quantum of monthly payment made to the petitioner by O.P. No. 2 since O.P. No. 2 is employed as Panchayat Rojgar Sewak.

The factual matrix of the case is that O.P. No. 2 being the husband of the petitioner, preferred Cr. Misc. No. 43459 of 2015 with a prayer for anticipatory bail in connection with Ghoghardiha P.S. Case No. 11 of 2015 registered for the offences punishable under Sections 147,149,341,323,379,504,506 and 498A of the Indian Penal Code and Sections 3 and 4 of Dowry



Prohibition Act. He was granted anticipatory bail since he was ready to make payment of Rs.2000/- per month to the petitioner and considering the fact that the O.P. No. 2 filed Matrimonial Suit No. 232 of 2014 with a prayer for dissolution of marriage on 4.8.2014 whereas the present FIR was registered on 18.1.2015 and subsequently, the petitioner filed Maintenance Case No. 13 of 2015. The aforesaid payment to the petitioner was subject to any order being passed in matrimonial or maintenance proceeding.

The learned counsel for the petitioner submits that inadvertently the prayer for cancellation of bail of O.P. No. 2 has been made. The petitioner actually wants increase in the agreed monthly payment to her made by O.P. No. 2.

Since the aforesaid payment to the petitioner was subject to any order being passed in matrimonial or maintenance proceeding, this Court is not inclined to interfere in the matter. Moreover, the O.P. No. 2 has not misused the privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

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