

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6393 of 2020**

**In
CRIMINAL MISCELLANEOUS No.45879 of 2019**

Arising Out of PS. Case No.-10 Year-2019 Thana- TANKUPPA District- Gaya

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Ashok Choudhary @ Ashok Kumar Chaudhary, Son of Mathura Chaudhary
@ Mathur Chaudhary, Resident of Village- Mehar, P.S.- Tankuppa, District-
Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Rubi Kumari, Wife of Ashok Choudhary @ Ashok Kumar Chaudhary,
Resident of Village- Mehar, P.S.- Tankuppa, District- Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Humayou Ahmad Khan, A.P.P.
For the Informant	:	Mr. Jitendra Narayan Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 07-07-2020 Heard learned counsel for the petitioner, Mr.

Humayou Ahmad Khan, learned A.P.P. for the State and learned

counsel for the informant.

Present application has been preferred under Section
482 Cr.P.C. invoking inherent power of this Court to extend the
period to surrender and submit bail bond in the court below in
terms of the order dated 26.11.2019 passed in Cr. Misc. No.
45879 of 2019.

According to the order dated 26.11.2019 the petitioner
was obliged to surrender and submit his bail bond within four



weeks. In the said order his undertaking is also recorded whereunder he had assured this Court that he will pay a sum of Rs. 5,000/- to the informant-opposite party no. 2 and her son in between 1st and 15th day of month and shall remit the amount in the account of the informant-opposite party no. 2 regularly subject to final outcome of the maintenance case.

On the last date, when the matter was taken up for consideration and the learned counsel for the petitioner was called upon to make a statement as to whether the petitioner has been paying a sum of Rs. 5,000/- to opposite party no. 2 in terms of his own undertaking, learned counsel for the petitioner informed that the petitioner had sent a sum of Rs. 10,000/- by way of money order only on the said date. Although this Court had granted an opportunity by way of last indulgence to the petitioner to pay the entire outstanding amount of Rs. 5,000/- calculated from November 2019 to June 2020 within one week but he has failed to do so.

Learned counsel for the petitioner has submitted that presently the petitioner is facing some financial constraint and as such in the interest of justice an opportunity may be given to the petitioner to pay the entire outstanding amount of Rs. 40,000/- in monthly installments together with the current



payment of Rs. 5,000/- per month. He has now on instruction submitted before this Court that from the month of July, 2020 the petitioner shall continue to pay Rs. 10,000/- per month and after payment of the outstanding amount of Rs. 40,000/- he will continue to abide by the terms and conditions of the bail. He has made it clear that the current amount of Rs. 5,000/- shall be continued from this month besides the installments towards outstanding payment.

Learned counsel for the informant has though raised doubt on the intention of the petitioner and has submitted that the petitioner is making wrong statement every time before this Court but at the end learned counsel for the informant submits that it would be in the interest of opposite party no. 2 also to receive the amount as she along with her son is facing hardship in want of money.

In the aforesaid facts and circumstances on the undertaking of the petitioner that he will continue to pay Rs. 5,000/- that is the current maintenance amount plus the outstanding amount of Rs. 40,000/- at the rate of Rs. 5,000/- per month from July, 2020 itself till payment of the entire amount, this Court directs that in case the petitioner surrenders in the court below within a period of four weeks from today with the



proof of payment of Rs. 10,000/- in the month of July, 2020 after passing of this order and submits his bail bond in terms of the previous order of this Court, the same will be accepted by the court below.

Learned counsel for the petitioner submits that henceforth the amount shall be deposited in the Bank Account which is available on the record in the learned court below.

In case of failure of the petitioner to abide by the undertaking recorded hereinabove it will be open for the opposite party no. 2 to file an appropriate application before this Court for cancellation of bail bond.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

