

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9776 of 2020

In
CRIMINAL MISCELLANEOUS No.52163 of 2014

Arising Out of PS. Case No.-2991 Year-2013 Thana- SARAN COMPLAINT CASE District-
Saran

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CHITRANJAN SINGH @ ANU SINGH S/o Shri Nagnarayan Singh R/o
Village- Dhatiwna, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dimpal Devi D/o Amreshwar Prasad Singh At Present R/o Village- Purvi
Mohannagar, P.S.- Chapra Town, District- Saran (Chapra).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-07-2020 Due to COVID-19 Pandemic, the matter is being

taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
counsel for the State.

The present application has been filed for modification
of the order dated 03.09.2015 passed in Cr. Misc. No. 52163 of
2014 whereby, on the submission of the petitioner, a direction
was made to the petitioner to pay an amount of Rs. 4,000/- per
month in the Court below which was to be released in favour of



the complainant and the petitioner was granted anticipatory bail to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 2991 of 2013.

Learned counsel for the petitioner submits that final order in divorce case has been passed by the Principal Judge, Family Court, Gopalganj by order dated 22.07.2019 in Matrimonial Case No. 193 of 2015, C.I.S. No. 193/2015. By the said order, following order has been passed:

“That this case be and the same is decreed ex-parte against the O.P. and marriage between the parties is hereby dissolved with effect from today on payment of Rs. 5,00,000/- (Five lacs only) in ten equal installment within ten months from the date of this order as permanent alimony to the O.P. for her life support. Let a decree of dissolution of marriage be drawn up accordingly.”

In compliance to the said order passed by the Principal Judge, Family Court, Gopalganj, following statements have been made in paragraphs 4 and 5 of the supplementary affidavit filed on behalf of the petitioner:

“4. That in compliance to order dated 22.07.2019 passed in M.M. Case No. 193/2015 by learned Principal Judge, Family Court, Gopalganj the petitioner has deposited entire amount of Rs. 5 lacs.



5. That since the marriage between the parties has been dissolved by the learned Family Court and the petitioner was directed to pay Rs. 5 lacs in 10 equal installments within 10 months as permanent alimony and accordingly Rs. 5 lacs has already been paid and as such it will be in the interest of justice to modify/recall order dated 03.09.2015 passed in Cr. Misc. No. 52163/2014 to the extent whereby the petitioner has been directed to deposit Rs. 4 thousand per month in the court below.”

Considering the aforesaid facts and the order dated 22.07.2019 passed in Matrimonial Case No. 193/2015, C.I.S. No. 193/2015, the petitioner shall not deposit an amount of Rs. 4,000/- per month in the Court below.

The order dated 03.09.2015 passed in Cr. Misc. No. 52163 of 2014 is modified to the extent as indicated above.

The modification application is, accordingly, allowed.

(Sudhir Singh, J)

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