

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12143 of 2019

In
CRIMINAL MISCELLANEOUS No.62055 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- SHRIKRISHNAPURI District- Patna

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UTTAM KUMAR, Son of Late Bijoy Kumar Gupta, presently posted at
Bharath Petroleum Corporation Ltd. Bottling Plant Fatuha Industrial Area,
Fatuha, P.S.- Fathua-8.3201, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Madhupriya D/o Shyama Kant Lal Resident of Jogda Niketan, Chandmari
Road, Road No. 4, Kankarbagh, P.S.- Kankarbagh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Prasad Sinha, Sr. Adv. Mr. Jitendra Narain Sinha, Adv.
For the State	:	Mr. Nirmal Kumar Sinha, Adv.
For Opp. Party No.2	:	Mr. (Dr.) Amitesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 22-01-2020 Heard learned Sr. Counsel for the petitioner and
learned counsels for the State and Opposite Party No.2.

Let the rejoinder to the counter affidavit filed on
behalf of Opposite Party No.2 be kept on record.

The present application has been filed for
modification of the order dated 25.01.2019 passed in Criminal



Miscellaneous No. 62055 of 2018, whereby, petitioner was granted anticipatory bail in connection with S. K. Puri P.S. Case No. 70 of 2017, registered for the offences punishable under Sections 498A/379/34 of the Indian Penal Code, pending before the learned ACJM-cum-Special Judge, CBI-1, Patna, on condition that the bail bonds of the petitioner will be accepted by the learned Court below on production of proof with regard to deposit of entire interim maintenance amount in view of order dated 04.09.2017, passed by the learned ACJM, Patna in Domestic Violence Case No. 17 of 2016.

The second last paragraph of the order dated 25.01.2019, passed in Criminal Miscellaneous No. 62055 of 2018 is modified to the extent that the Domestic Violence Case No.70 of 2016 be read as Domestic Violence Case No.17 of 2016.

It is submitted by learned Sr. Counsel for the petitioner that learned ACJM, Patna vide order dated 04.09.2017 passed in Domestic Violence Case No.17 of 2016 directed for payment of interim maintenance amount of Rs.25,000/- from the date of the filing of the application, i.e., 28.03.2017, but however, the same was finally disposed of vide order dated 26.08.2019 directing the petitioner to make payment



of Rs.25,000/- from the date of the order, i.e., 28.03.2017 and the said order has not been complied completely and till date, about Rupees Five Lacs have only been paid to the informant. The said order was challenged in appeal being Criminal Appeal No.211 of 2017 which was disposed of vide order dated 26.08.2019. However, the said order is under challenge before this Court in Criminal Miscellaneous No. 78378 of 2019, wherein the petitioner has been directed to make payment of Rs.15,000/- per month to the Opposite Party No.2. Hence, it is prayed that the order be modified to the extent of making payment of Rs.15,000/- in stead of Rs.25,000/- in view of interim order dated 02.12.2019 passed in Criminal Miscellaneous No. 78378 of 2019.

Learned counsel for the Opposite Party No.2 does not dispute this fact that in domestic violence case, final order has been passed by the learned ACJM, Patna and the appeal against the said order has also been dismissed and further the order has been modified by this Court vide order dated 02.12.2019, passed in Criminal Miscellaneous No.78378 of 2019.

Considering the fact that final order has been passed in domestic violence case and against the said order, the appeal has also been dismissed and the appeal order is also under



challenge before this Court wherein order has been passed directing the petitioner to make payment of Rs.15,000/- per month to the informant, the order dated 25.01.2019 passed in Criminal Miscellaneous No. 62055 of 2018 is modified to the extent that let the learned Court below accept the bail bonds of the petitioner.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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