

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31299 of 2019

Arising Out of PS. Case No.-74 Year-2013 Thana- SAHARSA District- Saharsa

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USHA DEVI Wife of Vijay Kumar Balmiki Resident of Village - Gandhi Path, Ward No.8, P.S.- Saharsa, Dist.- Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Vijay Kumar Balmiki @ Bijay Kumar Balmiki, Son of Late Banarsi Balmiki Resident of Village - Gandhi Path, ward No.8, P.S.- Saharsa, Dist.- Saharsa., Present posted as Tax Assistant, Department of Income Tax, in the Office of Income Tax Commissioner at Dhanbad (Jharkhand).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 26-02-2020 This application has been filed for cancellation of bail granted to the O.P.no.2 by the then Co-ordinate Bench of this Court, vide order dated 21.4.2014 passed in Cr. Misc. No.35642 of 2013. Case is under Section 498A and other Sections of the Indian Penal Code.

Grounds for cancellation of bail is that vide order dated 21.4.2014, O.P.no.2 was directed to pay Rs.3,500/- per month which has been paid till 2018 but later on stopped making payment and only gave a cheque of Rs.1 lac, as such he has come for cancellation of his bail bond.

On the other hand the learned counsel for the O.P.no.2 has submitted that order was passed to make payment of



Rs.3,500/- till the matter is decided by the competent court and that order was passed in the year, 2014 but the O.P.no.2 is not pursuing the matter , however he has stated that whatever dues are remaining, he will pay within a period of three months.

Considering the above, I am not inclined to interfere with the order granting bail to the O.P.no.2, however, it is expected that he will pay the dues within a period of three months by bank draft. At the same time the learned Family Court, Saharsa is directed to conclude the Maintenance Case No.81 of 2010 within a period of six months. It is expected that both the parties shall co-operate in the same.

Accordingly, this application is disposed of with above direction.

(Vinod Kumar Sinha, J)

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