

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35685 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- DANAPUR District- Patna

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SEEMA DEVI Wife of Rajeev Kumar Singh, D/o Bipin Bihari Singh
Residence of Kharnaja Road, Saguna More, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rajeev Kumar Singh Son of Late Surendra Prasad Singh Residence of New Tarachak, P.O.- Danapur Cantt., P.S.- Danapur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 26-02-2020 This application has been filed for cancellation of bail granted to O.P.no.2 vide order dated 6.11.2017 passed in Cr. Misc. No.31161 of 2017. Case is under Section 498A of the IPC.

Grounds for cancellation of bail is that provisional bail granted to the petitioner was confirmed on condition that he will pay Rs.6,000/- per month till 2018 but later on he stopped making payment and as such violated condition of the order passed by the then Co-ordinate Bench of this Court.

On the other hand the learned counsel for the O.P.no.2 has appeared and submitted that he was paying amount but later on she dispossessed him from the house as such he could not



pay the amount. On perusal of the order impugned there is no such condition. Later on submission has been made by the learned counsel for the O.P.no.2 that if some time is given he will try to clear the dues.

On the above submission this application is disposed of with a direction to the O.P.no.2 to deposit the dues amount within a period of six months in six equal installment. It is also made clear that the petitioner shall approach the Family Court for grant of maintenance within a period of two months and O.P.no.2 shall also appear and co-operate in disposal of maintenance case and family court shall either dispose of the application or may pass an order of interim maintenance within a period of six months and order dated 6.11.2017 passed in Cr. Misc. No.31161 of 2017 shall be subject to final order/interim order passed by the Family Court in the maintenance case.

It is also made clear that if within two months the petitioner is not filing maintenance case before the Family court or not co-operating in disposal of the same, order for payment passed in above Cr. Misc. will not have any effect.

(Vinod Kumar Sinha, J)

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