

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32612 of 2019

In
CRIMINAL MISCELLANEOUS No.9196 of 2014

Arising Out of PS. Case No.-19 Year-2013 Thana- MAHILA P.S. District- Patna

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BANKATESH KUMAR Son of Kaushal Kishore Resident of Mohalla - A. P.
Colony, Quarter No. 437, P.S.- Rampur, District - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sheweta Kumari Wife of Bankatesh Kumar Daughter of Bhuneshwar Prasad Singh, Resident of V-3, Vidyapur, P.S.- Patrakar Nagar, Kankarbagh, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the O.P. No. 2	:	Mr. Sri Krishna Prasad Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

11 02-08-2021 Heard Mr. Arvind Kumar Mouar, learned

Advocate for the petitioner and Mr. Krishna Prasad

Singh, learned Senior Advocate for the opposite party

no. 2. The State is represented by Mr. Chandra Sen

Prasad Singh, learned APP.

This application has been filed for modifying the

order dated 04.02.2015 passed in Cr. Misc. No. 9196 of

2014.

The petitioner was allowed provisional bail by



order dated 24.04.2014 which was confirmed by the
aforenoted order dated 04.02.2015. However, the
petitioner was directed to make a payment of Rs. 7000/-
per month to opposite party no. 2.

The learned counsel for the petitioner has
informed this Court that in a separate proceeding for
maintenance, the Family Court has awarded a
maintenance of Rs. 7000/- per months to opposite party
no. 2.

In that event, only one order with respect to
such payment would be effective and the petitioner had
been regularly making payment of the aforesaid amount
towards the monthly expenses of opposite party no. 2.
However, in the meanwhile, a permanent/one time
settlement was arrived at between the spouses and the
petitioner has deposited an amount of Rs. 11 lakhs
towards all the matrimonial dues of opposite party no. 2.
It has also been agreed upon between the parties that
no further claim with respect to monthly maintenance



shall be made after the payment of the agreed amount
in lump-sum.

The aforesaid contention of the learned counsel
for the petitioner is confirmed by the learned Senior
Advocate appearing for opposite party no. 2.

The order dated 04.02.2015 passed in Cr. Misc.
No. 9196 of 2014 is, therefore, modified to the extent
that now the petitioner would not be required to pay any
monthly amount to opposite party no. 2.

The application stands allowed.

The order dated 04.02.2015 is modified
accordingly.

(Ashutosh Kumar, J)

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