

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19507 of 2020**

**In
CRIMINAL MISCELLANEOUS No.41268 of 2013**

Arising Out of PS. Case No.-951 Year-2011 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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MUKESH KUMAR S/o Krishna Sah Resident of Village- Chimanapur, P.S.-
Lalganj, Distt- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sarita Devi W/o Mukesh Kumar, D/o Nathuni Sah Resident of Village- Ram
Nagar, P.S.- Mejorganj, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II
For the Opposite Party/s : Mr.Asha Kumari

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner as well as

learned counsel for the O.P. No. 2.

Learned counsel for the petitioner has submitted that
in Cr. Misc. No. 41268 of 2018 order dated 16.5.2014, the
petitioner Mukesh Kumar, was granted provisional bail on
condition that he will pay maintenance to complainant of Rs.
7,000/- per month.

Thereafter, the final order of maintenance was passed
by the Principal Judge, Family Court, Sitamarhi under Section
125 of the Cr.P.C. in Miscellaneous Case No. 96 of 2014. The
certified copy of the order has been annexed with the record



which shows that the petition for maintenance of the complainant Savita Devi was finally disposed of awarding maintenance of Rs. 12,000/- per month, (6,000/- for the wife and 3,000/- each for children of the complainant). The learned Principal Judge has mentioned in that order itself that Rs. 7,000/- per month awarded as maintenance vide Criminal Miscellaneous No. 41265/2020 would be adjusted in that amount.

The petitioner has submitted that the learned court below is insisting to pay Rs, 7,000/- in addition to Rs. 12,000/- which is not proper. The Rs. 7,000/- has already been included in Rs. 12,000/- granted by the Principal Judge Family Court.

With these observations, this criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey , J)

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