

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25899 of 2020

In
CRIMINAL MISCELLANEOUS No.72763 of 2019

Arising Out of PS. Case No.-1541 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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RAKESH KUMAR NIRALA Son of Sri Kusheshwar Prasad Sah @
Kusheshwar Prasad Shaw Resident of Village - Aadampur, Jahajghat, P.S.-
Aadampur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar

2. Raj Nandani Nirala, Wife of Sri Rakesh Kumar Nirala, Daughter of Ram Bhajjo Prasad Singh Resident of Village - Rajawar, P.S.-Rajaun, District-Banka, at present C/o Praveen Kumar, resident of Mohalla-Lalu Chak Bhattha Road, P.S.-Ishakchak, District-Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Chaudhary, Mr. Bhola Kumar, Advocates
For opposite party no.2	:	Ms. Soni Shrivastava, Advocate
For the Opposite Party/s	:	Mr.APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 10-03-2021 This application has been filed for modification of order dated 3.3.2020 passed in Cr. Misc. No. 72763 of 2019 by which, petitioner was granted anticipatory bail after his undertaking that he will keep his wife with honour and dignity.

It is submitted on behalf of petitioner that matrimonial relation between husband and wife has irretrievably broken and there is no chance of restoration of married life and a divorce



case is also pending between the parties in the family court where issue of maintenance / alimony as well as custody of child is pending.

Petitioner undertakes that a lump sum amount of rupees five lacs will be paid by the petitioner within 8 weeks to the opposite party no.2 which will be subject to adjustment against final order to be passed by the family court with respect to grant of maintenance / permanent alimony to the wife.

It has been further submitted that custody of minor child is also pending before the family court under the Guardians and Wards Act, 1890 and same shall be decided by the family court within 90 days from the date of receipt/production of a copy of order passed by this Court.

The petitioner shall be released on anticipatory bail in the event of his arrest or surrender before the court below within 10 weeks, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.1541 of 2017 subject to the condition as laid down under Section 438(2) of the Cr.P.C. and on payment of rupees five lacs as lump sum amount within 8 weeks as maintenance to opposite party no.2 and the minor child.



The modification petition is allowed to the extent as
indicated above.

(S. Kumar, J)

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