

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70064 of 2018

In

CRIMINAL MISCELLANEOUS No.50230 of 2013

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Md. Jawed Alam @ Md. Jawed Akhtar @ Md. Jawed, S/O Rafique Mian,
Resident Of Village Pulkaul, P.S. Ram Nagar and District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohammed Abu Haidar

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 18-01-2021 Heard the learned counsel for the parties.

This is an application seeking modification of
the order dated 22.04.2014 passed by a Bench of this
Court in Cr. Misc. No. 50230 of 2013.

By the aforesaid order, the petitioner was
granted bail but with a condition that before accepting
his bail bonds, the court below shall ensure that the



petitioner had been abiding by the order passed in Maintenance Case No. 183(M) of 2020.

The occasion for having this order modified arose only after a settlement had been arrived at between the spouses. Pursuant to such settlement, it was agreed upon that the spouses will part their ways amicably and the entire maintenance amount shall be paid in one go and nothing shall remain payable to Opposite Party No. 2.

As part of the agreement, now the Opposite Party No. 2 has also remarried.

All these developments took place in these years and therefore the petitioner could not surrender before the court below as directed by the order dated 22.04.2014.

This actually has necessitated the filing of the present petition for the modification of the order.

After having heard the counsel for the parties, this Court deems it expedient to modify the order dated



22.04.2014.

The order referred to above is modified to the extent that in the event of the petitioner surrendering before the court below within a period of eight weeks from today, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bagha, West Champaran, in connection with Ram Nagar P. S. Case No. 40 of 2010, Complaint Case No. 831 of 2010 / Tr. No. 6145 of 2012, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The order is further modified to the extent that the court below shall verify the factum of settlement between the spouses and the contents of such settlement.

If the parties are found to have settled their differences, there would not be any insistence for abiding with the order passed in Maintenance Case No. 183 (M)



of 2010.

The order stands allowed to the extent indicated
above.

(Ashutosh Kumar, J)

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