

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61349 of 2022
In
CRIMINAL MISCELLANEOUS No.65896 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- MAHILA PS District- Gopalganj

SHAIPI RAJA @ MD. SHAFI RAJA @ SHAIPI RAZA @ MD. SHAIPI
RAZA Son of Md. Akhtar Raja Resident of Mathia Hata, P.s- Kuchaikote,
Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Farida Khatoon D/o Mongal Jaan Ansari R/V- Dhamapakad, P.S- Manjha,
Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava
For the Opposite Party/s : Mr. Jharkhandi Upadhyay (APP)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-11-2022 Heard the parties.

This application has been filed for modification of
order dated 08.02.2022 passed in Cr. Misc No. 65896 of 2021.

The learned counsel for the petitioner submits that the
petitioner was granted anticipatory bail subject to payment of
Rs. 3,000/- per month maintenance to the wife. Though, the
petitioner approached the SDJM, Gopalganj, for furnishing the
bail bond, the SDJM Gopalganj, finding some typographical
error in the order, did not accept his bail bond.

In the meantime, the petitioner was arrested and
thereafter, he has been granted regular bail by the District Judge,
Gopalganj with the same and similar condition that he will pay
maintenance of Rs. 3,000 to the wife but the same is subject to



fixing in any maintenance proceeding.

The learned counsel further submits that now in the maintenance proceedings, the maintenance has been fixed at Rs. 6.000/- and because of the condition imposed by the district Judge the petitioner has to pay Rs. 9,000/- as maintenance to the wife whereas he is required to pay Rs. 6,000 as maintenance to the wife.

This grievance of the petitioner cannot be entertained by this Court. This grievance can be raised by the District Judge, Gopalganj by the petitioner by filing an application and the District Judge, Gopalganj will be obliged to hear and consider the modification application of the petitioner in accordance with law after considering the facts of the case.

It is expected that if any modification petition is filed by the petitioner before the District Judge, Gopalganj, the same shall be heard and disposed within 15 days by the District Judge, Gopalganj.

With the aforesaid observation and direction this application is disposed of.

(Sandeep Kumar, J)

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