

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30107 of 2023

In
CRIMINAL MISCELLANEOUS No.39186 of 2022

Arising Out of PS. Case No.-570 Year-2021 Thana- SURSAND District- Sitamarhi

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DHIRENDRA KUMAR S/o- RAMASHRAY PRASAD YADAV Village-
Majhaura Ps- Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ragni Kumari wife of Dhirendra Kumar Village- Ps and Dist- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the parties.

The present modification application has been filed for part modification of order dated 15.11.2022 passed in Cr. Misc. No.39186 of 2022, whereby the petitioner was granted anticipatory bail with a condition to pay Rs.5,000/- per month to the O.P. No.2 for her maintenance.

It is submitted by learned counsel for the petitioner that in compliance of the said order, the maintenance amount was paid to the O.P. No.2 till January, 2023 but during the pendency of the Matrimonial Case No.78/2019 (Annexure-2), the learned Principal Judge, Family Court, Sitamarhi already passed an order on 16.12.2022 for interim maintenance of Rs.10,000/- per



month, which the petitioner is depositing in her account from the month of December, 2022 itself. It is therefore, prayed that the condition imposed on this petitioner by this Court to pay Rs.5,000/- per month to the O.P. No.2 may be deleted.

Perused the order 15.11.2022 passed in Cr. Misc. No.39186 of 2022. In the last second paragraph, it is clearly mentioned that “it goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings” and in that view of the matter, petitioner is now not required to deposit Rs.5000/- per month in the account of O.P. No.2.

Accordingly, the condition imposed upon the petitioner to pay Rs.5,000/- per month to the O.P. No.2 be deemed to be complied and he is now not required to pay the same in view of the order passed in Matrimonial Case No.78/2019.

Accordingly, the order dated 15.11.2022 passed in Cr. Misc. No.39186 of 2022 is modified to the extent as indicated above.

This application is disposed of.

(Anjani Kumar Sharan, J)

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