

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19257 of 2022

In
CRIMINAL MISCELLANEOUS No.35828 of 2016

Arising Out of PS. Case No.-79 Year-2015 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

=====

ACHCHAL KUMAR @ ACHAL SHARMA s/o- Rajesh Sharma Resident of
Village - Marar,P.S. - Morkahi, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Kumari Wife of Achchal Sharma @ Achal Kumar, D/o- Hareram
Tanti Resident of Village - Hariharpur, P.S. - Allali, District - Khagaria.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 09-08-2023 Despite valid service of notice, nobody appears on
behalf of the opposite party No. 2.

2. This application has been filed for modification of
order dated 30.03.2017 passed in Cr. Misc. No. 35828 of 2016.

3. It is submitted that earlier, anticipatory bail was
granted to the petitioner *vide* order dated 30.03.2017 passed in
Cr. Misc. No. 35828 of 2016 whereby petitioner was directed to
pay Rs. 2,000/- (two thousand) per month as maintenance
allowance to the opposite party No. 2. He submits that petitioner
has obeyed the aforesaid order ever since but during pendency
of the case, opposite party No. 2 has already solemnized second



marriage with one Vikesh Kumar, R/o- Begusarai. On this ground, learned Principal Judge, Khagaria dismissed the claim of maintenance sought by opposite party No. 2 *vide* order dated 07.12.2021 passed in Maintenance Case No. 28 of 2016 (Annexure '2' to the petition). Accordingly, learned counsel for the petitioner requests for necessary correction in the order.

4. In view of aforesaid fact and circumstances, now petitioner is not required to pay maintenance to the opposite party No. 2 in light of the fact that she has already solemnized second marriage with one Vikesh Kumar, R/o- Begusarai, the fact which has already been proved in the Maintenance Case No. 28 of 2016 *vide* order dated 28(m) of 2016 passed by Principal Judge, Khagaria.

5. Accordingly, this modification petition is allowed and order dated 30.03.2017 passed in Cr. Misc. No. 35828 of 2016 is modified to the above extent.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

