

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29141 of 2023

In
CRIMINAL MISCELLANEOUS No.24075 of 2022

Arising Out of PS. Case No.-3335 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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SANJIT KUMAR MAHTO @ SANJEET KR. MAHTO @ SANTIJ KUMAR
MAHTO S/O ANIRUDH PRASAD MAHTO R/O Parvaliya Koliyari, P.S-
Nituria, Distt.- Puruliya, West Bengal, Presently residing at Village and p.s-
Piri Bazar, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BALKESARI KUMARI @ GURIYA PATEL DAUGHTER OF GANESH
PRASAD RESIDENT OF VILLAGE- PMCH CAMPUS, BANKIPUR, PS-
PIRBOHAR, DISTT- PATNA, PRESENTLY RESIDING AT KIRAN BOYS
LODGE, SBI GALI, NEAR SATYAM SHIVAM SUNDARAM SHIV
MANDIR, OPPOSITE TIRUPATI BOYS HOSTEL, PO- RAJENDER
NAGAR, PS- BAHADURPUR, DISTT- PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Advocate Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Md. Ataur Rahman, Advocate
For the State	:	Mr. Jitendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 01-12-2023 Heard learned counsel for the petitioner, opposite
party no. 2 and learned APP for the State.

2. This application has been filed for modification of
the order dated 07.02.2023 passed in Cr. Misc. No. 24075 of
2022 in which while allowing the anticipatory bail application,
this Court had recorded an undertaking given by the petitioner
through his learned counsel that he will be extending financial
assistance of Rs. 8,000/- per month beginning 2023 to the



complainant and further will be providing Rs. 2,000/- for her appearance at Asansol where the Miscellaneous Case No. 164 of 2020 (preferred by the petitioner) is pending between the parties.

3. Subsequently, the present Cr. Misc. No. 29141 of 2023 has been preferred for modification of the said order dated 07.02.2023 for expunging the extension of financial assistance in view of the fact that the opposite party no. 2 herself is a Teacher and thus she is not entitled to the amount as also that he has financial liability.

4. The matter was taken up on 03.05.2023 and the opposite party no. 2 was noticed. She subsequently appeared but then good sense prevailed upon the parties and for sometime, they stayed together. However, today on call, it has been submitted by the learned counsel for the petitioner that he is not ready to continue his life with his wife and has already filed matrimonial case in Asansol and will be pursuing the said order.

5. Learned Counsel further submitted that the opposite party no. 2, being a Teacher, she is not entitled for any financial help and the same theory will be extended so far as the payment of Rs. 2000/- for visiting Asansol is concerned. She as such submits that the petitioner be relieved of making any payment to



the opposite party no. 2.

6. Mr. Yogesh Chandra Verma, learned Senior Counsel for the opposite party no. 2 on the other hand submits that though Matrimonial Case is pending which has been filed deliberately at Asansol to harass the opposite party no. 2, till the relationship of husband and wife is severed, he has to take care of his wife. Only because the lady is a Teacher, the petitioner cannot shrug of his responsibility as she has lots of financial liability. He further submits that in any case, Rs. 8,000/- for maintaining the lady for a month as also Rs. 2000/- for visiting Asansol which includes her train journey, staying in hotel, food and making payment to the lawyer is too meagre an amount. He thus submits that the order dated 07.02.2023 passed in Cr. Misc. No. 24075 of 2022 is/was just and proper and there is no need to re-look on it.

7. Having gone through the facts of the case as also the submissions put forward by the respective parties, this Court is fully in line with the submission put forward by the learned Senior Counsel appearing for the opposite party no. 2.

8. The petitioner after instructing his lawyer, who gave an undertaking on his behalf, cannot be allowed to retract the same. The Court while passing the order on 07.02.2023



already averred that the same *will merge with any order passed by the court concerned in Maintenance Case.*

9. The conduct of the petitioner is thus deprecable to say the least. Learned Senior Counsel has informed that the petitioner has defaulted in making payment too.

10. The petitioner has chosen not to act as per his own undertaking and in that circumstance, this Court is not inclined to extend any relief in the matter.

11. Cr. Misc. No. 29141 of 2023 stands dismissed.

(Rajiv Roy, J)

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