

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39059 of 2015

Arising Out of PS. Case No.-164 Year-2010 Thana- JAMUI District- Jamui

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Rakesh Kumar S/o Late Indradev Singh Resident of Village Karma, Police Station Sikandra, District Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Hira Devi D/o Mahendra Singh Resident of Village Ghongsa, Police Station Halsi, District Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary App

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 28-03-2023 Both the parties have appeared.

Learned lawyers for both the parties have tried their level best for settlement of the dispute between the parties, but it seems that it is not possible.

It has been submitted by learned counsel for the petitioner that the payment of Rupees One Thousand was stopped in view of the payment of Rupees Five Thousand per month maintenance as awarded by the Family Court in the maintenance case.

Learned counsel for the opposite party No. 2 has submitted that the petitioner has defaulted in paying the maintenance amount for the last many months.



This application is allowed and the impugned order dated 25.03.2015 passed by the learned Sub-Divisional Judicial Magistrate, Jamui in G.R. No. 1330 of 2010 arising out of Sikandra P.S. Case No. 164 of 2010 is hereby quashed, subject to the condition that on the next date of hearing, the petitioner will produce the proof of up-to-date payment of maintenance amount in the court below.

If the court below is satisfied that the regular maintenance as awarded by the Family Court is being paid to the opposite party No. 2 then the Court below will accept fresh bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties and will proceed in the case i.e., he will proceed in the trial.

With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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