

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73223 of 2022

In

CRIMINAL MISCELLANEOUS No.17508 of 2021

Arising Out of PS. Case No.-109 Year-2019 Thana- UJIYARPUR District- Samastipur

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Sanjay Das Son Of Varun Das Resident Of Village - Balbhadrapur, P.S.-
Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshmi Kumari @ Laxmi Kumari Wife of Sanjay Das Resident of Village -
Balbhadrapur, P.S.- Ujiyarpur, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shruti Sinha
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-04-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P for the State.

The present petition has been filed for
modification of the order dated 05.04.2022 passed in
Cr. Misc. No. 17508 of 2021 whereby the anticipatory
bail of the petitioner was allowed and the petitioner was
directed to pay Rs. 6000/- per month as interim
maintenance to the informant from April, 2022.

It is submitted by learned counsel for the
petitioner that petitioner was working in Deepak
Fertilizer in Maharashtra where he met with an accident.



His lungs got effect and due to fracture on ribs, he is unable to perform hard work and compelled to work on a meager salary of Rs. 3000-4000 per month as *Munshi* of a vegetable shop owner. It is therefore, submitted that, in the changed circumstances, the petitioner is not able to pay Rs. 6000/- per month as interim maintenance to the informant. The informant herself is working as *Aanganbari Sahaika* and receiving an emolument of Rs. 3000/- per month.

Learned counsel appearing on behalf of the informant has submitted that petitioner is completely well and working. The petitioner is not paying the maintenance amount as directed by this Hon'ble Court. The informant is residing separately along with her two children and she is somehow maintaining her children and herself and any deduction in the maintenance amount will lead to starvation of the informant and her children.

Since the order dated 05.04.2022 granting



payment of Rs. 6000/- per month to the informant was passed on acceptance of the petitioner to pay the said amount, the petitioner is directed to pay the arrears of the aforesaid amount till April, 2023 to the informant.

Considering the fact that in the changed circumstance, the petitioner is unable to pay Rs. 6000/- per month as interim maintenance to the informant, the petitioner is directed to pay Rs. 3000/- per month to the informant as interim maintenance which will start from May, 2023.

However, the aforesaid order will be subject to any order being passed in matrimonial or maintenance proceeding.

The order dated 05.04.2022 passed in Cr. Misc. No. 17508 of 2021 is modified to the extent as indicated above.

(Sunil Kumar Panwar, J)

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