

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70228 of 2023

In
CRIMINAL MISCELLANEOUS No.55253 of 2023

Arising Out of PS. Case No.-3448 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Suraj Singh @ Suraj Kumar Singh S/O Anil Kumar Singh @ Anil Singh
Village- Gayatri Niwas, House No. 14 Indrapuri Road No. 7a, Post- Keshari
Nagar, Ps. Patliputra, Dist. Patna, Permanent Resident Of Village- Gopalpur,
Mahadalichak, P.S. Nayagaon, Dist. Saran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Shashi Mala @ Shashi Mala W/O Suraj Singh @ Suraj Kumar
Singh, D/O Ramashankar Singh Village- Hasanpur Gurda Chandel Tola, P.S.
Mahnar, Dist. Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Ojha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-11-2023 Heard Mr. Digvijay Ojha, learned counsel for the
petitioner and the State.

2. The application has been filed for modification of
the order dated 13.09.2023 passed in Cr. Misc. No. 55253 of
2023, whereby, while allowing the anticipatory bail application
to the petitioner, the Court has observe and directed that in view
of the undertaking, the petitioner shall deposit Rs. 5,000/- per
month in the bank account of the opposite party no. 2, as
maintenance of his daughter, till any order is passed in the
maintenance case.



3. This Court has heard the submissions advanced on behalf of the petitioner that under his impression, the maintenance was in relation to both the wife and the daughter, but in the order it appear that same is restricted to the daughter only, thus the order would affect the maintenance case, which is pending before the Family Court bearing Maintenance Case No. 312 of 2022.

4. The apprehension of the petitioner is unfounded. While passing the order, this Court was in the firm opinion to grant the maintenance, in favour of the daughter till the order is passed in the maintenance case and it is made clear that the date on which any order shall be passed in the maintenance case, the order of this Court directing to pay maintenance to the daughter of the opposite party no. 2 shall loses its fact.

5. In view thereof, there is no need of any modification. Accordingly, the present modification application stands disposed of.

(Harish Kumar, J)

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