

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76077 of 2023

In
CRIMINAL MISCELLANEOUS No.66459 of 2022

Arising Out of PS. Case No.-307 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rajat Choudhary @ Kumar Rajat S/O Ram Narayan Choudhary Village-
Masuria Banka, Ps. Banka, Dist. Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saloni Kumari W/O Rajat Choudhary, D/O Shyam Kishore Choudhary
Village- Masuria Banka, Ps. Banka, Dist. Banka, At Present Address Saloni
Kumari, D/O Shyam Kishore Choudhary R/O Village- Wajidapur, Ps.
Vidhyapati Nagar, Dist. Samastipur Pin-848501

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Akshay Lal Pandit, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For the O.P. No.2	:	Mr. Rajnish Kumar, Advocate
		Mr. Amit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-11-2023 Heard Mr. Akshay Lal Pandit, learned counsel for the

petitioner, Mr. Md. Mushtaque Alam, learned APP for the State

and Mr. Rajnish Kumar, learned counsel for the opposite party

no.2.

2. The present application is filed for modification of
payment of provisional maintenance amount of Rs.10,000/- per
month granted vide order dated 05.10.2023 passed in Cr. Misc.
No.66459 of 2022.

3. Learned counsel for the petitioner submits that
petitioner is completely unemployed person working in a



Narayan Hardware Shop having meager income of Rs.11,500/- per month in which the petitioner has some family obligations and his own daily expenditure and as such he is not in a position to make payment of Rs.10,000/- per month to his wife. Therefore, maintenance amount of Rs.10,000/- may be modified to the extent of Rs.3000/- per month.

4. The submissions advanced on behalf of the learned counsel for the petitioner is not acceptable at this stage in view of the fact that the maintenance amount of Rs.10,000/- has been undertaken to be paid by the petitioner himself while prayer for bail of the petitioner was sought and considering the undertaking given by the petitioner with respect to maintenance amount, bail has been granted to the petitioner.

5. In view of the aforesaid, this Court is not inclined to modify the order dated 05.10.2023, accordingly this modification application stands dismissed.

6. However, time for extension of period of surrender granted vide order dated 05.10.2023 passed in Cr. Misc. No.66459 of 2022 is extended for four weeks from today.

(Rajesh Kumar Verma, J)

Prakash Narayan

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