

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67532 of 2023

In
CRIMINAL MISCELLANEOUS No.55049 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- MAHILA P.S. District- Patna

RUCHITA ROHINI W/O ABHINAY VERMA RESIDING AT 105,
ASHIRWAD APARTMENT, NAGESHWAR COLONY, BORING ROAD,
P.S- KOTWALI, P.O- GPO, PATNA- 800001, BIHAR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ABHINAY VERMA S/O SHRI ANIL KUMAR VERMA FLAT NO.-103,
VISHNU BHAWAN COMPLEX, EAST BORING CANAL ROAD,
OPPOSITE BHARAT PETROLEUM PUMP, P.S- BUDDHA COLONY,
DISTT.- PATNA, BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vikas Kumar, Advocate
For the Opposite Party/s :	Mr. Suresh Prasad Singh, A.P.P.
	Mr. S.D. Sanjay, Sr. Advocate
	Mr. Lokesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-02-2024 Heard learned counsel for the parties.

2. This petition has been filed for modification of order dated 17.07.2023 passed in Cr. Misc. No. 55049 of 2022 whereby respondent No. 2 (petitioner in Cr. Misc. No. 55049 of 2022) was granted anticipatory bail in connection with Patna Mahila P. S. Case No. 42 of 2022 dated 09.04.2022 registered under Sections 323 and 498(A) of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

3. The petitioner/wife being aggrieved with the observation recorded in the paragraph No. 5 of the aforesaid



order has preferred this modification petition on the ground that the petitioner/wife has neither given her consent nor has accepted the proposal of respondent No. 2 to deposit Rs. 15,00,000/- (Fifteen Lacs) as mentioned in the impugned order. It is further submitted that due to some inadvertent miscommunication between the petitioner and her counsel, the said observation of acceptance of the fixed deposit has been recorded in the impugned order. It is further submitted that petitioner has never given her consent for acceptance of 15,00,000/- (Fifteen Lacs) for her minor daughter nor she has gone for any claim/right over the same.

4. Mr. S.D. Sanjay, learned senior counsel appearing on behalf of the opposite party No. 2 submits that the present modification application is totally misconceived and not maintainable in terms of law. He submits that on the one hand the petitioner has alleged misunderstanding and miscommunication with her learned counsel who was on record in Cr. Misc. No. 55049 of 2022 and on the other hand she has changed her learned counsel in this modification application which itself shows the ill-intention of the petitioner. This modification application has been filed only with a view to mislead this Hon'ble Court. The fact that the petitioner has



changed her lawyer is evident from both the cases which have been brought on record for kind consideration of this Court (Annexure- OP-2/1). He lastly submits that the present application has been filed on 18.08.2023 after more than one month of passing of the impugned order dated 17.07.2023 which itself is sufficient evidence to show the conduct and *mala fide* act of the petitioner.

5. Having heard learned counsel for the parties and from perusal of the materials available on record, it is apparent that during hearing of the earlier anticipatory bail petition bearing Cr. Misc. No. 55049 of 2022 filed by the opposite party No. 2, the counsel for the petitioner made specific statement regarding one time settlement and demanded maintenance amount for the daughter of the parties and not for the petitioner and therefore, this Court directed the opposite party No. 2 to make such an offer by filing a supplementary affidavit. In fact, in the supplementary affidavit two options were proposed, one for payment of Rs. 5,000/- (Five thousand) as monthly allowance and the other for one-time fixed deposit for an amount of Rs. 15,00,000/- (Fifteen Lacs) in the name of their daughter. Out of these two options, the petitioner preferred one time settlement option and hence, the same was recorded in the



impugned order dated 17.07.2023. Had there been no such demand on behalf of the petitioner, there was no occasion for the opposite party No. 2 to make such an offer by filing supplementary affidavit. Moreover, the aforesaid supplementary affidavit was filed on 14.07.2023 and copy of the same was received by learned counsel for the petitioner on the same day and the argument on this matter took place on 17.07.2023 so the petitioner had ample time to object the proposals made in the supplementary affidavit but she did not do so by filing any reply to the aforesaid proposal. It appears that the present modification application has been filed only with a view to get rid of the impugned order dated 17.07.2023. It is case of the petitioner that there was miscommunication with the earlier counsel. In that case, the earlier counsel would have been the best person to confirm the same. But, in this case, the counsel has been changed who could not be in a position to make comment on this issue.

6. In view of the aforesaid facts and circumstances of the case, this modification application is dismissed.

(Prabhat Kumar Singh, J)

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