

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29710 of 2025

In
CRIMINAL MISCELLANEOUS No.39197 of 2023

Arising Out of PS. Case No.-42 Year-2020 Thana- MAHILA P.S. District- Nawada

Gopal Kumar S/O Bijendra Singh @ Jahar Singh R/O Vill.- Rajaur, P.s.-
Nardiganj, Dist.- Nawada.

... .. Petitioner

Versus

1. The State of Bihar
2. Mandavi Kumari W/O Gopal Kumar, D/O Sadhu Sharan Singh R/O Vill.-
Samai, P.s.- Mufassil, Dist.- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This petition has been filed for modification of
order dated 8.2.2024, passed in Cr.Misc. No.39197/2023 by this
Court.

3. This Court, while allowing pre-arrest bail to the
petitioner vide order dated 8.2.2024, on the submission of
petitioner, had directed the petitioner to pay Rs.5000/- per
month as interim relief/solace to opposite party no.2 with
observation that the aforementioned payment will be subject to
any order passed in matrimonial, maintenance or connected
proceedings and the present order, in no way, will preclude the



parties to resolve the issue otherwise.

4. Learned counsel for the petitioner submits that on 17.6.2024 opposite party no.2 has performed another marriage with another person, namely, Bablu Kumar alias Munchun Kumar, son of Jodhi Singh, resident of village Dharampura, Police Station Rajgir and so petitioner be exonerated from aforesaid payment.

5. Petitioner argues that since opposite party has remarried, he should be relieved from the obligation to continue making these payments.

6. This Court acknowledges petitioner's claims but maintains that until the issue of opposite party's second marriage is formally decided by the lower court, petitioner remains obligated to continue making payments. The Court does not provide an immediate modification but leaves open the possibility for future consideration based on developments in the case. Since, order of payment of interim relief/solace to opposite party no.2. by the petitioner, who happens to be her husband, petitioner is under obligation to pay her interim relief/solace, unless claim of the petitioner is finally decided by the Court below.

7. Modification petition stands disposed of with the



aforesaid observations.

(Prabhat Kumar Singh, J)

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