

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24513 of 2025

In
CRIMINAL MISCELLANEOUS No.21074 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- MAHILA P.S. District- Rohtas

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Vivek Kumar S/O Arvind Sah Resident of Village- Amiyawar, P.S.- Nasriganj,
District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anchal Kumari D/O Motilal Prasad, W/O Jitendra Kumar R/O Vill.- S Block, 167 Dalmiya Nagar, P.S.- Dehri Town, Dist.- Rohtas, Presently at Garhwa, Ramkanda, Garhwa, State- Jharkhand- 822114

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhojot Singh
For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2025 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 20.09.2023, passed in Cr.Misc. No. 21074 of 2023
by this Court.

3. This Court, while allowing anticipatory bail to the
petitioner vide order dated 20.09.2023, on the submission of
petitioner, had directed the petitioner to pay Rs. 5,000/- (Five
thousand) 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 in view of order of this Court, petitioner is regularly paying Rs. 5,000/- in the account of opposite party no. 2 (copy of bank receipts are attached as Annexure P/4), but it has come to the knowledge of petitioner that opposite party no. 2 has solemnized marriage with one Jitendra Kumar on 02.12.2024 and accordingly, he requests that order dated 20.09.2023 passed in Cr.Misc. No. 21074 of 2023 be recalled to the extent of directing the petitioner to pay Rs. 5,000/- per month to the opposite party no. 2.

5. Learned A.P.P. for the State opposes the prayer and submits that order dated 20.09.2023 passed in Cr.Misc. No. 21074 of 2023 cannot be modified only on the bald statement of petitioner. The submission has to be proved by leading evidence and same will be tested during trial.

6. Heard learned counsel for the parties.

7. The Court is in agreement with the submission of learned A.P.P. for the State that on mere submission of petitioner, he cannot be exempted from paying interim solace to opposite party no.2. This Court acknowledges petitioner's claim,



but maintains that until the issue of opposite party's second marriage is formally decided by the lower court, the petitioner remains obligated to continue making payments.

8. This modification petition is accordingly dismissed.

(Prabhat Kumar Singh, J)

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