

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23370 of 2025

In
CRIMINAL MISCELLANEOUS No.56701 of 2024

Arising Out of PS. Case No.-1814 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Chandan Singh @ Chandan Kumar, aged about 22 years, Male, S/o- Ganesh Singh, resident of Village- Khaki baba ke pipra, PO & PS- Goriakothi, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari, W/o- Chandan Singh @ Chandan Kumar, D/o- Baleshwar Singh, resident of Village- Khaki Baba ke Pipra, PO & PS- Goriakothi Dist- Siwan, presently residing at village- Badheya, PS- Barauli, Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Tetara Kumari, Advocate Mr. Raju Prasad, Advocate
For the State	:	Ms. Sucheta Yadav, APP
For the OP No.2	:	Mr. Saurabh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

10 29-08-2025 Heard learned counsel for the parties.

2. This modification application has been filed for modification of condition no.(i) of the order dated 13.12.2024 passed by this Court in Cr. Misc. No.56701 of 2024 by which the petitioner was granted anticipatory bail with condition that rupees five thousand shall be deposited every month in the bank account of the opposite party no.2 by the first week of every month.

3. Learned counsel for the petitioner submits that the opposite party no. 2 had also filed Maintenance Case No.160 of 2023 in the Court of the Principal Judge, Family Court, Gopalganj, in which after hearing the counsel for the opposite



party no.2, the application dated 08.08.2023 for grant of interim maintenance was allowed vide order dated 03.01.2025 by the learned Principal Judge, Family Court, Gopalganj, and the petitioner has been directed to pay rupees five thousand per month to the opposite party no.2 by 10th of every succeeding month as interim maintenance. Further submission is that the petitioner is a tractor driver and he gets only rupees eight thousand per month. He has no source of any other income and, thus, the petitioner is facing lot of difficulty in paying rupees five thousand per month to the opposite party no.2 in compliance of the order dated 13.12.2024 passed in Cr. Misc. No.56701 of 2024.

4. Notice was issued to the opposite party no.2, who has appeared through a counsel and a counter affidavit has been filed refuting the claim of the petitioner.

5. Learned counsel for the opposite party no.2 submits that from the order dated 13.12.2024 passed in Cr. Misc. No.56701 of 2024 itself it is clear that when the mediation between the petitioner and the opposite party no.2 failed in the Patna High Court Mediation & Conciliation Centre, the petitioner himself undertook to pay a sum of rupees five thousand per month to the opposite party no.2 as 'living cost' in order to maintain harmony in the family. It is also submitted



that the petitioner in order to get the privilege of anticipatory bail undertook to make payment of rupees five thousand per month to the opposite party no.2, but, now, he is trying to shirk his responsibility. Further, the petitioner is working as Crane Operator/Driver and not as a tractor driver. His monthly income is rupees eighty thousand. Apart from this, he has also landed property. Opposite party no.2 is a legally wedded wife of the petitioner and it is his responsibility to maintain her. Learned counsel for the opposite party no.2 further submits that he has enclosed a photograph of the petitioner while he was performing the duty of Crane Operator and this would show that the petitioner is a Crane Operator and not the tractor driver.

6. Learned Additional Public Prosecutor has opposed the prayer of the petitioner and submits that the petitioner is the husband and it is his primary duty to maintain the wife.

7. Having heard counsel for the parties, this Court is of the view that no case is made out for modification of the order dated 13.12.2024 passed in Cr. Misc. No.56701 of 2024.

8. Accordingly, this modification application is dismissed having no merit in it.

(Khatim Reza, J)

J. Alam/-

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