

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43760 of 2024

In
CRIMINAL MISCELLANEOUS No.65820 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- KANKARBAG District- Patna

Saket Paswan @ Sanjeev Kumar Son of Suresh Paswan Resident of Ashok
Nagar Road No.- 14A, P.S.- Kankarbag, District - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Nisha Devi Daughter of Ganesh Paswan W/o Saket Paswan, Resident of
Gagivaniya, P.S.- Nursarai, District - Nalanda, At present W/o Karu Paswan,
Resident of Mora Talab, P.S.- Rahui, District - Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 28-04-2025 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 19.3.2024, passed in Cr.Misc. No.65820/2023 by
this Court.

3. This Court, while allowing pre-arrest bail to the
petitioner vide order dated 19.3.2024, on the submission of
petitioner, had directed the petitioner to pay Rs.3000/- 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 21.3.2024 opposite party no.2 has performed second marriage with another person, namely, Karu Paswan, resident of Mora Talab, Police Station Rahui, District Nalanda. Besides this, petitioner is unemployed and is dependent on his parents for his livelihood and if he is not exonerated from the aforesaid payment, an irreparable loss may cause to them.

5. Petitioner argues that since opposite party has remarried to another person, he should be relieved from the obligation to continue making these payments. Additionally, petitioner states financial dependence on their parents, suggesting that continuing payments would cause him irreparable harm.

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 interim solace to opposite party no.2. 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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