

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60418 of 2025

In
CRIMINAL MISCELLANEOUS No.41912 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Rohtas

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Nitesh Kumar Choubey S/o- Chandra Bhushan Choubey R/o- Baldeo Nagar,
G.T Road, Sasaram Ps- Sasaram Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Choubey W/o- Nitesh Kumar Choubey, D/o- Prem Prakash Pandey
R/o- Baldeo Nagar, G.T Road, Sasaram PS- Sasaram Distt.- Rohtas, A/P-
Rampur Teladi Po- Kirhindi Ps- Shivsagar Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra
For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-08-2025 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 08.12.2022 passed in Cr.Misc. No. 41912 of 2022
whereby petitioner was granted anticipatory bail with a
condition to pay Rs. 5,000/- (Five thousand) per month, as
interim solace/maintenance, in the bank account of opposite
party no. 2,

3. Learned counsel for the petitioner submits that in
compliance of aforesaid order, petitioner was regularly paying
aforesaid amount in the bank account of opposite party no. 2 up-



to July, 2025, but in the Maintenance Case No. 41 of 2022, on 05.10.2024 before the learned Principal Judge, Family Court, Rohtas, the opposite party no. 2 has herself stated that she has joined as Teacher (Permanent B.P.S.C.) in February, 2024 and getting salary of Rs. 40,000/- per month, therefore, the order dated 08.12.2022 passed in Cr.Misc. No. 41912 of 2022 requires modification, so far as payment of Rs. 5,000/-, as maintenance, is concerned.

4. Learned counsel for the petitioner further submits that both parties, as per terms & conditions, are going to file joint divorce application in the court of learned Principal Judge, Family Court, Rohtas at Sasaram.

5. This Court, while allowing pre-arrest bail to the petitioner vide order dated 08.12.2022, on the submission of petitioner, had directed the petitioner to pay Rs.5,000/- per month as interim relief/solace to opposite party no.2 with observation that the aforesaid payment will be subject to any order passed in the maintenance case for final settlement. The issue of maintenance cannot be decided by this Court. It can be decided by the concerned Court at the stage of trial after giving full opportunity to both the parties and as such, the modification petition cannot be allowed on this ground alone.



6. The modification petition is dismissed accordingly.

(Prabhat Kumar Singh, J)

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