

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73641 of 2024

In
CRIMINAL MISCELLANEOUS No.21929 of 2014

Arising Out of PS. Case No.-60 Year-2013 Thana- HALSI District- Lakhisarai

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Bipin Kumar @ Bipin Mahto Son of Kishori Mahto Resident of Village-
Gunasagar, P.O.- Tatarghat, PS- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari @ Kiran Devi Wife of Bipin Kumar @ Bipin Mahto, D/O-
Dhobi Mahto Resident of Village- Ratta, Post- Konag, P.S.- Halsi, Distt.-
Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subash Kumar, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr.Mr.Subash Kumar, learned counsel for the
petitioner and Mr. Nityanand, learned APP for the State.

2. The present modification application has been filed
for modification of the order dated 07.08.2014 passed in Cr.
Misc. No.21929 of 2014 only to expunging the para-3 of the
order by which this Court has been pleased to fix an interim
maintenance of Rs.1200/- per month to opposite party No.2.

3. Learned counsel for the petitioner submits that the
petitioner had moved earlier before this Court for modification
of order dated 07.08.2014 passed in Cr.Misc.Nos.10494 of 2016
and Cr.Misc.No.17634 of 2016 that in the light of order dated



07.08.2014 the petitioner could not surrender before the learned court below within the time stipulated in the order dt. 07.08.2014 then the petitioner had filed Cr.Misc.No.10494 of 2016 for modification of the order dt. 07.08.2014 to the extent to extending the period of surrender which was allowed by order dated 08.03.2016 and the Court has been pleased to extend the period of surrender by three weeks. Learned counsel for the petitioner submits that the petitioner has again moved before this Court for modification of the order dt. 08.03.2016 passed in Cr.Misc.No.17634 of 2016 but the same was not modified. Learned counsel for the petitioner submits that in light of the order dated 07.08.2014 the petitioner has started to pay Rs.1200/- (Twelve hundred Only) per month to opposite party No.2 and the same will deposit in the Nazarat in the learned court below. Learned counsel for the petitioner submits that the petitioner has come to know in the year 2017 that opposite party No.2 has been married with another person, namely, Shravan Kumar according to Hindu Rites and Customs in the temple of Sri Indradamaneshwar Mahadeo Trust Ashok Dham Lakhisarai and in view of the aforesaid that opposite party No.2 has performed the second marriage the order dt. 07.08.2014 is modified that the petitioner is not liable to pay Rs.1200/-



(Twelve hundred Only) to opposite party No.2

4. Learned APP for the State on the other hand has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has been granted bail by order dated 07.08.2014 and petitioner has annexed the receipt of deposited amount in the Nazarat which is Annexure-4 series to the present petition which suggests that till date petitioner has only deposited Rs.10,000/- (Ten Thousand Only) on 31.08.2016 and Rs.21000/- (Rs. Twenty One Thousand Only) on 04.03.2020 and petitioner has come to know that the opposite party No.2 has performed the marriage in the year 2017 and petitioner has approached this Court in the year 2024 after delay of seven years and apart from that the petitioner has not deposited the interim maintenance of Rs.1200/- per month to opposite party No.2.

5. In view of the aforesaid, there is no need to interfere in the impugned order. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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