

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85490 of 2024

In
CRIMINAL MISCELLANEOUS No.16963 of 2023

Arising Out of PS. Case No.-721 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Sachin Kumar Sah @ Sachin Kumar @ Sachin Sah S/O Sulendra Sah @
Surendra Sah Resident Of Naya Tol, Harda Bazar, P.S.- K.Hat(Maranga O.P.),
District- Purnea.

... .. Petitioner

Versus

1. The State Of Bihar
2. Lucy Kumari @ Lucy Devi D/O Dayanad Sah R/O Nipania, P.S.- Barahara
Kothi, Dist.- Purnea. At Present W/O Rohit Chaudhary, R/O Nipania, P.S.-
Barahara Kothi, Dist.- Purnea.

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-02-2025 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 23.6.2023, passed in Cr.Misc. No.16963 of 2023 by
this Court.

3. This Court, while allowing pre-arrest bail to the
petitioner vide order dated 23.6.2023, 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 22.8.2023 opposite party no.2 has performed another marriage with another person, namely, Rohit Chaudhary, resident of Nipania, Police Station Barahara Kothi, District Purnea. Besides this, petitioner is dependent on his parents for his livelihood and if he is not exonerated from the aforesaid payment, an irreparable loss may cause to him.

5. Petitioner argues that since opposite party has remarried, 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 them 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 payments. The Court does not provide an immediate modification but leaves open the possibility for future consideration based on developments in the case. 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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