

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82017 of 2024

In
CRIMINAL MISCELLANEOUS No.77663 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- KARAKAT District- Rohtas

Rakesh Kumar Chaudhary @ Rakesh Kumar Son of Late Jawaharlal Chaudhary @ Late Jawahar Prasad Resident of Village/Mohalla- Road No. 1, New Colony, Chotaki Delha, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bajaymanti Devi D/O- Shivnath Choudhary Resident of Village- Devmarkandey, P.S.- Karakat, Gorai, Distt.- Rohtas, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Singh, Advocate
For the State	:	Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 09-01-2026 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 03.07.2024 passed in *Cr. Misc. No. 77663 of 2023* whereby the petitioner was granted anticipatory bail with a condition to pay Rs. 3,000/- (Three thousand) per month, as interim solace/maintenance, in the bank account of the informant/Opposite Party No. 2.

3. Learned counsel for the petitioner submits that in compliance of aforesaid order, petitioner is regularly paying aforesaid amount in the bank account of Opposite Party No. 2 but the informant/Opposite Party No. 2 does not want to live



with this petitioner and has already solemnized second marriage and, therefore, the order dated 03.07.2024 passed in *Cr. Misc. No. 77663 of 2023* requires modification, so far as payment of Rs. 3,000/-, as maintenance, is concerned.

4. This Court, while allowing pre-arrest bail to the petitioner vide order dated 03.07.2024 passed in *Cr. Misc. No. 77663 of 2023*, on the submission of petitioner himself, had directed him to pay Rs. 3,000/- 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 or the fact that the informant/Opposite Party No. 2 has already solemnized second marriage cannot be decided by this Court at this stage. It can only 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.

5. Accordingly, this modification petition is dismissed.

(Prabhat Kumar Singh, J)

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