

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8258 of 2020

Arising Out of PS. Case No.-911 Year-2018 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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RAHUL KUMAR SHAH Son of Kailash Shah Resident of Village - Hardiya,
P.S.- Chautham, Dist.- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonam Kumar W/o Rahul Kumar Sah, D/o Lakshmi Shah Resident of
Village - Meghauna, P.S.- Alauli, Dist.- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh
For the O.P. No. 2	:	Mr. Kundan Kumar
		Mr. Ranjeet Kumar
For the Opposite Party/s :		Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 30-11-2021 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no.2.

The petitioner seeks anticipatory bail in connection
with Complaint Case No. 911C/2018 registered for the offences
under Section 498-A and other allied sections of the Indian
Penal Code and under Sections 3/4 of the Dowry Prohibition
Act.

It is being submitted by learned counsel for the
petitioner that opposite party No. 2 has re-married and he has
given details of the alleged re-marriage in the petition.

Learned counsel for the opposite party No. 2 has



denied this fact.

In view of the aforesaid, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned learned Sub-divisional Judicial Magistrate, Khagaria, in connection with Complaint Case No. 911C/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the Opposite party No.2 submits that Maintenance Case No. 11/2019 is pending before the Family Court, Khagaria.

The petitioner shall appear in that case within a week.

Though the maintenance case has been filed in the year 2019, but till date, it has not been decided.

The Family Court in Bihar are taking the maintenance cases very lightly. They are proceeding with the maintenance cases as they are proceeding with the title suit. The Family Courts should get reference to the cases filed by the girls for maintenance and it should be decided expeditiously. Though,



the Family Courts have been made aware of the judgment of the Hon'ble Apex Court passed in the case of ***Rajnish vs. Neha & Ors. [(2021) 2 SCC 324]***, but this judgment has also not been followed by most of the Family Courts in Bihar.

The Principal Judge, Family Court, Khagaria, is directed to dispose of the Maintenance Case No. 11/2019 within three months from today.

While deciding the maintenance case, if the petitioner/husband does not co-operate, it shall be decided *ex parte* without waiting for any service of notice in the present case as now the lawyer for the petitioner has the knowledge of the pendency of the maintenance case.

A report with regard to the disposal of the maintenance case shall be filed before this Court after the expiry of the aforesaid time fixed by this Court.

A copy of the order be sent to the Family Court, Khagaria through FAX/e-mail.

With the aforesaid observations and directions, this bail petition is allowed.

(Sandeep Kumar, J)

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