

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11097 of 2020

Arising Out of PS. Case No.-769 Year-2019 Thana- SARAIYA District- Muzaffarpur

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BIVEK RAY @ VIVEK RAI, aged about 29 years, Gender-Male, Son of Ankit Rai @ Ambika Rai, Resident of Village - Ratanpura, Police Station - Saraiya, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sandhya Kumari, aged about 26 years, Gender-Female, wife of Bivek Ray @ Vivek Rai, presently resided at - D/O Binod Rai, Resident of Village - Dariya Chapra, Police Station - Motipur, District - Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Manish Kumar, Advocate
For the Opposite Party : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 08-12-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Saraiya P.S. Case No. 769 of 2019 for the offence punishable under Sections 341, 323, 406, 498(A)/34 of the Indian Penal Code.

Despite best efforts by the Court, the parties have not been able to arrive at a settlement, therefore, this case is being disposed of on merits.

Learned counsel for the petitioner is willingly offered Rs.3,000/- per month as maintenance to the opposite party no.2. It is admitted that the petitioner is paying the



maintenance amount to the opposite party no.2 and learned counsel for the petitioner submits that the petitioner will pay the maintenance amount during the pendency of the case or till any order of maintenance by a competent Court.

There are allegations and counter allegations by both the parties which cannot be verified by this Court in this proceeding.

Considering the entire facts and circumstance of the case, this application is allowed.

Let the petitioner, above named, in the event of his his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1st -cum-Sub Judge (West), Muzaffarpur, in connection with Saraiya P.S. Case No. 769 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall regularly pay the maintenance amount, as aforesaid, to the opposite party no.2. In default of payment of maintenance amount, the bail granted to the petitioner shall be cancelled.

If the parties do not settle their dispute in the Court



below then just to take maintenance the case should not be dragged by the opposite party no.2 and it is expected that the Court below shall expedite the case and dispose of the same at the earliest.

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

(Sandeep Kumar, J)

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