

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7069 of 2021

Arising Out of PS. Case No.-62 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. SUNIL PRAJAPATI Son of Bahadur Prajapati Resident of Village - Masoi P.S. - Chainpur, District - Kaimur (Bhabua).
2. Bahadur Prajapati @ Bahadur Prasad Son of Late Ram Agyan Prajapati Resident of Village - Masoi P.S. - Chainpur, District - Kaimur (Bhabua).
3. Maya Devi Wife of Bahadur Prajapati Resident of Village - Masoi P.S. - Chainpur, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Urmila Kumari Daughter of Ramdeo Ram Resident of Village - Haliwanta, P.S. - Kudra, District - kaimur (Bhabua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 20-12-2021

Both the parties are present.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Bhabua (Mahila) P.S. Case No. 62 of 2020 registered for the offence under Sections 341, 323, 498(A), 34 of the Indian Penal Code.

The petitioners' Advocate has handed over Rs. 20,000/- (Twenty Thousand), which is the amount of interim maintenance fixed by the Principal Judge, Family Court, Kaimur at Bhabua. The amount is till the month of December, 2021.

In view of rival submissions of the parties, both the parties are



making allegation and counter allegation against each other, let above named petitioners, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Kaimur at Bhabua in connection with Bhabua (Mahila) P.S. Case No. 62 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for opposite party no.2 submits that there is no Principal Judge, Family Court, Kaimur at Bhabhua.

Considering the above, it is directed that Maintenance Case no. 47 of 2020 be finally decided within three months on the joining of the Principal Judge, Family Court Kaimur at Bhabhua.

It is also directed that while deciding the Maintenance Case, the Principal Judge, Family Court, Kaimur at Bhabhua will be guided by the Judgment of Hon'ble Supreme Court reported in the case of **Rajesh Versus Neha & Anr. (2021) 2 SCC, 324.**

In case, the petitioners default in payment of interim/final maintenance, then the bail bond of the petitioners shall be cancelled by the learned Court below.

(Sandeep Kumar, J)

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