

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69520 of 2021

In
CRIMINAL MISCELLANEOUS No.81718 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- PARSABAZAR District- Patna

Chandan Kumar S/o- Late Raj Kishore Prasad Resident of Village - Chandan Palace, New Etwarpur Patna, P.S. Parsa Bazar in the District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anju Kumari @ Payal Wife of Chandan Kumar, D/o- Nagendra Kumar Resident of Mohalla - Nirala Nagar Colony, Digha, P.S. - Digha, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gopal Prasad Roy, Advocate
For State	:	Mr. Jharkhandi Upadhyay, APP
For Opp. Party no. 2	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 20-12-2021 Heard learned counsel appearing on behalf of the petitioner; learned counsel appearing on behalf of the State as well as learned counsel for the opposite party no. 2.

This is an application for modification of the order dated order dated 16.11.2021 passed in Cr. Misc. No. 81718 of 2019.

For the reasons mentioned in the order dated 16.11.2021 passed in Cr. Misc.No. 81718 of 2019, this application is also dismissed.

Learned counsel for the petitioner has filed an application for modification of the earlier order dated



16.11.2021 passed in Cr. Misc. No. 81718 of 2019.

Learned counsel for the opposite party no.2 has opposed the modification petition and said that it is the petitioner who is playing the mischief and disobeying the order of this Court whereas learned counsel for the petitioner says that it is the opposite party no. 2 who is not obeying the order of this Court and she wants the petitioner to go behind the bar.

Considering the the submission of the parties, it is very difficult to decide the case and counter case of the parties.

Considering the aforesaid fact and in view of the fact that this is a case under Section 498A of the Indian Penal Code, the application for anticipatory bail is allowed. The provisional bail granted to the petitioner vide order dated 16.11.2021 passed in Cr. Misc. No. 81718 of 2019 is confirmed.

It is submitted by learned counsel for the opposite party no.2 that the opposite party no. 2 has filed a Matrimonial Case No.320 of 2019 in the court of the Principal Judge, Family Court-II, Patna.

The Principal Judge, Family Court-II, Patna is directed to decide the matrimonial case within three months from today. Since the order is being passed in presence of the petitioner and now he cannot take plea that notice has not been



served upon him in Maintenance Case No.320 of 2019, petitioner will appear before the Principal Judge, Family Court-II, Patna on 3rd of January, 2022 through his counsel and thereafter Principal Judge will proceed to take up the case, if possible, on day-to-day basis and the maintenance case be decided.

The Principal Judge, Family Court-II Patna is directed to inform this Court about the decision of the matrimonial case within three months.

With the aforesaid observation and direction, the application is allowed .

(Sandeep Kumar, J)

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