

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6109 of 2020

Arising Out of PS. Case No.-1057 Year-2017 Thana- COMPLAINT CASE District- Araria

DHARMENDRA KUMAR MANDAL @ DHARMENDRA MANDAL @
KARU S/o Jagdish Mandal R/o village- Khutahara, P.S.- Sikty, District-
Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi W/o Dharmendra Kumar Mandal, D/o Buddhdev Mandal R/o
village- Kotahhpur, Tola Pokharwa, P.S.- Kursakanta, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 27-04-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State including the learned

lawyer for the opposite party No. 2.

The petitioner apprehends his arrest in connection

with Complaint Case No. 1057-C/2017 registered for the

offences punishable under Sections 498(A) of the Indian Penal

Code.

It has been submitted by learned counsel for the

petitioner that Sikty P.S. Case No. 162 of 2017 was filed by the



opposite party No. 2 against the petitioner in which the petitioner has been granted anticipatory bail. The present case has been filed by the opposite party No. 2 against the same petitioner in the year 2017 for similar allegations. He further submits that this is an abuse of the process of the Court.

Learned counsel for the opposite party No. 2 has produced before me a copy of the judgement of the Maintenance Case No. 177 of 2018 filed by the opposite party No. 2 against the petitioner in which it has been directed that the petitioner will pay an amount of Rs. 4,000/- per month as maintenance amount from the date of filing of the petition.

Considering the submissions aforesaid and considering the law laid down by the Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, this application for grant of anticipatory bail 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 SDJM, Araria, in connection with Complaint Case No. 1057 of 2017, subject to the conditions as laid down under Section 438



(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted only when he will pay regular maintenance starting from the month of April, 2022 and, thereafter, will pay the maintenance amount regularly.

Learned counsel for the opposite party No. 2 in the Court below shall supply the bank details of the opposite party No. 2 so that the amount is transferred regularly by the petitioner in her bank account so that he may not face any difficulty. The petitioner is granted time of one year from today to pay the arrears of maintenance from the date of application. The bail bond of the petitioner shall be cancelled if the petitioner fails to make the payment of arrears of maintenance.

It has been submitted by learned counsel that both the cases cannot proceed simultaneously and he intends to file an application under Section 210 of the Cr. P.C. for stay in the present case in the court of learned S.D.J.M. where the case is pending. If and when the petition under Section 210 of the Cr. P.C. is filed by the petitioner in the Court below, the Court below shall dispose of the same within a month of its filing without granting unnecessary adjournments to either of the parties. If the maintenance order is modified or revised by any



Court, the modified/revised maintenance amount shall be paid by the petitioner to the opposite party No. 2.

Considering the facts and circumstances, the prayer of the petitioner for grant of anticipatory bail is allowed.

With the aforesaid observations and directions, the present application is allowed.

(Sandeep Kumar, J)

Saif/-

U		T	
---	--	---	--

