

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19574 of 2021

Arising Out of PS. Case No.-1578 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md. Jahangeer @ Md Jahangeer Ansari, aged about 26 years, Male, son of
Md Alamgir, Resident of Village - Rampur, Ward No.-07, P.S.- Teghra,
District - Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nazvi Khatoon, daughter of Md. Haidar, wife of Md. Jahangeer @ Md.
Jahangeer Ansari, resident of village- Chhatauna, Ward No.15, P.O-
Chhatauna, P.S.- Nawkothe, Sub Division - Bakhari, District- Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Gajendra Kumar Jha, Advocate
For the State	:	Mr. Madan Kumar, APP
For the Opp. Party No. 2 :		Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-01-2022 Heard learned counsel for the parties through video
conferencing.

This application for anticipatory bail arises out of
Complaint Case No. 1578 of 2019 for the offence punishable
under Sections 323, 341, 498-A and 504 of the Indian Penal
Code.

It is being submitted by learned counsel for the
petitioner that the petitioner is a handicapped person and still he
is ready to keep the opposite party no.2 as his wife.

Learned counsel for the opposite party no.2
submits that the opposite party no.2 is not willing to stay with
the petitioner and she wants one time settlement.



Considering the fact that there are allegations and counter allegations made by both the parties against each other, which cannot be decided in the present anticipatory bail proceeding, this application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within eight 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 Judicial Magistrate, 1st Class, Begusarai, in connection with Complaint Case No. 1578 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It has been informed by learned counsel for the opposite party no.2 that opposite party no.2 has filed Maintenance Case No.166M of 2019 in the Court of learned Principal Judge, Family Court, Begusarai, which is still pending as the petitioner is not cooperating in the aforesaid Maintenance Case.

Since learned counsel for the petitioner has now knowledge about the pendency of the Maintenance case, the petitioner is directed to appear in the Court of learned Principal Judge, Family Court, Begusarai, on 25.02.2022. On that day, the



Principal Judge, Family Court, Begusarai, shall fix a date for hearing of the parties and on that date both the parties will appear through their counsel and thereafter the Principal Judge, Family Court will proceed in the matter and decide the same in the next three months. The Family Court will not adjourn the case on flimsy grounds and if the petitioner does not cooperate in the proceeding, the Maintenance Case shall be decided ex parte. While deciding the Maintenance Case, the Family Court will follow the ratio laid down by the Hon'ble Supreme Court in the case of ***Rajnish vs. Neha*** reported in **(2021) 2 SCC 324**.

The Principal Judge, Family Court, Begusarai, is directed to inform this Court about the conclusion of the Maintenance Case, as directed above, as and when it is decided.

Let this order be communicated to the Principal Judge, Family Court, Begusarai, through FAX or e-mail.

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

(Sandeep Kumar, J)

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