

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33762 of 2020

Arising Out of PS. Case No.-511 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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SANJAY SINGH @ SANJAY KUMAR SINGH S/O Jwala Singh R/o
Babhandi, P.S. Rishiyap, District - Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rubi Kumari W/O Sanjay Singh @ Sanjay Kumar Singh D/O Shri
Awadhesh Singh, R/O Bindaul, P.S.- Bihta, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi
For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-04-2022 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
counsel appearing on behalf of the opposite party No. 2.
Learned counsel for the State is also present.

The petitioner apprehends his arrest in connection
with Complaint Case No. 511(C) of 2019 registered for the
offences punishable under Sections 323/324/498-A/504/506/34
of the Indian Penal Code.

Pursuant to the order dated 16.03.2021, the matter
was referred to the Patna High Court Mediation Centre for
mediation and a report of the learned Mediator dated 23.03.2022



has been received in this Court which is kept at flag 'M'.

Learned Mediator has reported that despite best efforts taken in the mediation proceeding, the parties could not resolve their dispute as a result of which, the mediation failed.

There are allegations and counter allegations by both the parties and these facts cannot be decided by this Court in this anticipatory bail proceeding and in view of the law laid down in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the prayer of the petitioner for grant of anticipatory bail application 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 Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Complaint Case No. 511(C) of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the opposite submits that a maintenance case being Maintenance Case No. 100 of 2019 is pending in the Court of Principal Judge, Family Court, Patna.

The petitioner is directed to appear in the maintenance



case along with a webcopy of this order on 26.04.2022 and, thereafter, the Principal Judge, Family Court, Patna, will fix a date in the case and hear the case expeditiously and conclude the maintenance case within a period three months from today. The maintenance case may proceed *ex parte*, if either of the parties do not co-operate.

It has come to the notice of this Court that the Family Courts in Bihar are taking the maintenance cases very lightly. They are proceeding with the maintenance cases as they are proceeding with the title suits. The Family Courts should give preference to the cases filed for maintenance and it should be decided expeditiously. Though, the Family Courts have been made aware of the judgment of the Hon'ble Apex Court passed in the case of ***Rajnish vs. Neha & Ors. [(2021) 2 SCC 324]***, but this judgment has also not been followed by most of the Family Courts in Bihar.

It has been submitted by learned counsel for the petitioner that Hindu Marriage Act Case No. 393 of 2018 is pending before the Family Court, Karkardooma, Delhi.

As the order is being passed in presence of the Advocate for both the parties, the opposite party No. 2, if she is appearing in the aforesaid divorce case then there is no need of



any fresh direction to her if she has chosen not to appear in that divorce case then she will appear in that divorce case on 9th of May, 2022 herself or through her lawyer and, thereafter, it is expected that Family Court, Karkardooma, Delhi, after hearing the matter will dispose of the case expeditiously.

With the aforesaid directions and observations, this application for grant of anticipatory bail is allowed.

(Sandeep Kumar, J)

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