

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25515 of 2021

Arising Out of PS. Case No.-894 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Mahanth Prasad Singh S/O Late Dularchand Prasad R/O Village-Nawtan, P.S. And P.O.-EKMA, District-Chhapra, Saran.
 2. Parvati Devi W/O Mahanth Prasad Singh R/O Village-Nawtan, P.S. And P.O.-EKMA, District-Chhapra, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Kumari W/O Abhijit Kumar Singh Presently R/O Village-Bichla Telpa, P.S-Chhapra Muffassil, P.O-Sahebganj, District-Chhapra, Saran.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Maheshwar Prasad, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For Opp. Party No.2	:	Mr. Raju Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 894 of 2019 for offences under Sections 323, 498A and 406 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Pursuant to the last order dated 03.03.2022, husband and wife are personally present in Court.

It seems that the marriage between husband and wife has failed, the husband is a qualified Software Engineer; and he himself has offered to pay Rs.10,000/- per month as



maintenance amount during the pendency of the criminal case and the maintenance case.

Considering the submissions of the parties and considering the fact that the petitioners are father-in-law and mother-in-law of the opposite party no.2, this application for anticipatory bail is allowed.

Accordingly, let petitioners, above-named, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Chapra, Saran in connection with Complaint Case No. 894 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further condition that opposite party no.2 shall be paid maintenance amount of Rs.10,000/- per month by the husband. In case the husband of opposite party no.2 defaults in making payment of the maintenance amount, regular bail granted to him in connection with the present shall stand automatically cancelled.

Maintenance Case No. 108 of 2020 has been filed in the court of learned Principal Judge, Family Court, Saran Chapra.



The Principal Judge, Family Court, Saran, Chapra is directed to dispose of aforesaid Maintenance Case No. 108 of 2020 within a period of three months from today. Even if either of the parties does not cooperate in disposal of the maintenance case, the Principal Judge will proceed in the matter ex parte.

The amount of interim maintenance offered by the husband of the opposite party no.2 shall be subject to final result of the aforesaid maintenance case.

The Principal Judge, Family Court, Chapra will decide the maintenance case in the light of the judgment of the Apex Court in the case of *Rajnesh Vs. Neha & Ors.* [(2021) 2 SCC 324/].

(Sandeep Kumar, J)

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