

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12536 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- MAHILA PS District- Buxar

SURESH PASWAN Son of Nagendra Paswan Resident of Village - Nanua,
P.s.- Dumaron, Distt.- Buxar, Presently Resident of Village - G.T. Road,
Neamatpur, Asansol (M Corp), P.s.- Meamatpur, Distt.- Bardhaman, West
Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gayanti Devi D/o Jawahar Paswan Resident of Village - Bedowli, P.O.-
Arak, P.s.- Brahampur, Distt.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 17-05-2022 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.

The petitioner apprehends his arrest in connection

with Buxar Mahila P.S. Case No. 35/2021 registered for the

offences punishable under Sections 341/323/504/506/498(A)/

494/313/34 of the Indian Penal Code and Section 3/4 of the

Dowry Prohibition Act.

The petitioner is an accused of torturing and

assaulting the opposite party No. 2 and of deserting her with her



child and he is also accused of re-marrying. The marriage certificate has been produced by learned counsel for the opposite party No. 2 in Court.

Learned counsel for the petitioner has himself offered to pay a sum of Rs. 10,000/- (Rupees Ten Thousand) as maintenance amount per month for his wife and child.

Considering the law laid down in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the present 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 Chief Judicial Magistrate, Buxar, in connection with Buxar Mahila P.S. Case No. 35/2021, 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 after he starts paying maintenance of Rs. 10,000/- (Ten Thousand) per month.

The maintenance amount shall be transferred into the bank account of the opposite party No. 2 on or before the 10th of



every month. The maintenance amount of Rs. 10,000/- (Ten Thousand) for the month of May, 2022 shall be transferred in the Bank Account of the opposite party No. 2 by the 31st of this month. The details of the bank account of the opposite party No. 2 shall be furnished by the learned counsel appearing for the opposite party No. 2 in the Court below to the learned Advocate appearing on behalf of the petitioner. Any default in payment of the aforesaid maintenance amount will result in automatic cancellation of the bail bond of the petitioner. This order of maintenance is subject to any order of maintenance passed by a competent Family Court in future.

If maintenance case is filed by the opposite party No. 2 in the Court of Principal Judge, Family Court, Buxar, the same shall be decided by the Principal Judge, Buxar within a period of six months on its filing and if the petitioner avoids appearance in the maintenance case, the Principal Judge, Family Court will proceed *ex parte*.

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

(Sandeep Kumar, J)

Saif/-

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

