

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16148 of 2022

Arising Out of PS. Case No.-2163 Year-2020 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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RAM DAYAL TATHAGAT S/o Late Ram Pratap Rai Permanent Address Resident of Village- Gorigamma, P.S.- Mahua, District- Vaishali. Teporary Address Resident of Village- Kanhauli Saidpur, P.S.- Mahua, District- Vaishali. present Address Resident of Government Secondary School, Village- Pakri, Circle/ Block- Mahua, P.O.- Piroi, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Subhadra Rai W/o Ram Dayal Tathagat Permanent Address Resident of Village- Gorigamma, P.S.- Mahua, District- Vaishali. Present Address Resident of Village- Kanhauli Saidpur, P.S.- Mahua, District- Vaishali Saidpur, P.S.- Mahua, District- Vaishali. Nahiya Address Resident of Village and P.O. Panapur Langa, P.S.- Hajipur Sadar, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-04-2022 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.

The petitioner apprehends his arrest in connection with Complaint Case No. 2163 of 2020 registered for the offences punishable under Sections 323/498(A) of the Indian Penal Code.

The petitioner is a teacher and there are allegations



and counter allegation between the parties.

The Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No. 110 of 2020 has passed an order of interim maintenance on 05.04.2022 and the amount is to be paid by the 10th of every month. The amount of maintenance for the month of April, 2022 has not been paid till date.

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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 2163 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Principal of Government Secondary School,



village-Pakri, Circle/Block-Mahua, P.O.Piroi, P.S.Mahua, District – Vaishali, is directed to deduct Rs. 8,000/- (Rupees Eight Thousand) per month from the salary of the petitioner and transfer the same in the bank account of the opposite party No. 2 regularly until and unless the same is modified by the learned Principal Judge, Family Court, Vaishali at Hajipur. In case of default in payment of the maintenance amount, the bail bond of the petitioner shall stand automatically cancelled.

The opposite party No. 2 is staying in her matrimonial home and she cannot be pressurized to vacate the premises. One of the terms of the bail is that the petitioner will not disturb the stay of the opposite party No. 2 in the matrimonial house and any disturbance to her on the part of the petitioner will also result in cancellation of the bail bond of the petitioner.

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

The order dated 05.04.2022 passed by the Principal Judge, Family Court, Vaishali at Hajipur is taken on record.

(Sandeep Kumar, J)

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