

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23446 of 2021

Arising Out of PS. Case No.-348 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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LAGAN SAH @ RAM LAGAN SAH Son of Biran Gond @ Viran Sah
Resident of Village - Samogar, P.S.- Kateya, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarswati Devi Wife of Lagan Sah @ Ram Lagan Sah Resident of Village - Samogar, P.S.- Kateya, District - Gopalganj, D/o Ramprit Sah, Resident of Village - Rudalpur, P.S.- Kateya, District - Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 22-03-2022 Heard learned counsel for the petitioner and learned counsel for the opposite party No. 2 including learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 348/2018 registered for the offences punishable under Sections 323/498-A/406 of the Indian Penal Code.

This is a case triable by the magistrate and considering the law laid down by the Apex Court 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 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 ten 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 ACJM, XV, Gopalganj, in connection with Complaint Case No. 348/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It has been submitted jointly submitted by the learned counsel for the parties that Maintenance Case No. 301 of 2017 has been filed in the Court of Principal Judge, Family Court, Gopalganj by the opposite party No. 2.

The petitioner shall appear in the maintenance case on 28th of March, 2022 and, thereafter, the Principal Judge, Gopalganj, will fix a date in the case and hear the case on day-to-day basis and conclude the maintenance case within two months. 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.

Put up this case on **19.05.2022** for considering the compliance report by Principal Judge, Family Court, Gopalganj.

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

(Sandeep Kumar, J)

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