

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22608 of 2022

In
CRIMINAL MISCELLANEOUS No.3495 of 2020

Arising Out of PS. Case No.-133 Year-2019 Thana- DHARHARA District- Munger

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1. ASHA DEVI W/o Late Mahindra Mahto Resident of Mohalla- Chhoti Lagma, Police Station- Dharhara (Hemjapur O.P.), District- Munger.
 2. Sanoj Kumar @ Abhinash Kumar S/o Mahindra Mahto Resident of Mohalla- Chhoti Lagma, Police Station- Dharhara (Hemjapur O.P.), District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ranju Kumari S/o Sanoj Kumar @ Abhinash Kumar Resident of Mohalla- Chhoti Lagma, Police Station- Dharhara (Hemjapur O.P.), District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Nishi
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-05-2022 Heard the parties.

For the reasons mentioned in the application for modification of the order dated 03.02.2022 the present application is restored to its original file (Cr. Misc. No. 3495 of 2020).

Re. Cr. Misc. 3495 of 2020

Learned counsel for the petitioners 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 petitioners and learned



Additional Public Prosecutor for the State as well as learned counsel for the opposite party No. 2.

The petitioners apprehend their arrest in connection with Dharhara P.S. Case No. 133/2019 registered for the offences punishable under Sections 341/323/498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners has himself offered to pay a sum of Rs. 5,000/- (Rupees Five Thousand) as maintenance amount per month for his wife and children.

Without going into the details of the allegations and counter allegations which can only be verified during the trial and considering the judgment of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the present anticipatory bail application is allowed.

Accordingly, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Munger in connection with Dharhara Case No. 133/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



The bail bond of the petitioners will be accepted only after he starts paying maintenance of Rs. 5,000/- (Five 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. 5,000/- (Five Thousand) for the month of May, 2022 shall be transferred in the Bank Account of the opposite party No. 2 by the 31st day 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 petitioners. 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)

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