

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19263 of 2022

In
CRIMINAL MISCELLANEOUS No.70256 of 2021

Arising Out of PS. Case No.-523 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Bipul Kumar @ Bittu Kumar Singh @ Bipul Kumar Bittu @ Vipul Kumar
Singh @ Bittu Son of Late Bhola Singh Resident of Village - Subhai, P.S.-
Hajipur sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niranjana Tiwari Son of Late Damodar Tiwari Resident of Village -
Chandralaya, P.S.- Hajipur Sadar, Distt.- Vaishali.
3. Vandana Kumari D/o Niranjana Tiwari , W/o Bipul Kumar Presently residing
at Village - Chandralaya, P.s.- Hajipur Sadar, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Md. Helal Ahmad, Advocate
For the State	:	Mr.Madan Kumar, APP
For Opp. Party Nos. 2 &3:		Mr. Subodh Prasad, Ms. Madhu Prasad, Advocates

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-08-2022 Heard the parties.

This application has been filed for modification of the
order dated 02.03.2022 passed in Cr. Misc. No. 70256 of 2021
by which the petitioner has been granted anticipatory bail on
certain conditions.

It has been submitted by learned counsel for the
petitioner that despite best efforts, opposite party no. 3 is not
ready to stay with the petitioner.

In the circumstances, the order dated 02.03.2022



passed in Cr. Misc. No. 70256 of 2021 is recalled and the same is being replaced by following order.

“Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the informant.

The petitioner apprehends his arrest in connection with Hajipur Sadar P.S. Case No. 523 of 2021 registered for offences under Sections 498A and 365/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

At the very outset, learned counsel for the petitioner has offered to pay maintenance amount of Rs. 5,000/- (Rupees Five Thousand) per month to the opposite party no.3.

Considered the submission of the parties.

In view of the fact that 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 application for 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur Sadar P.S. Case No. 523 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



It is made clear that if the petitioner fails to give monthly maintenance of Rs. 5,000/- per month till the disposal of Maintenance Case No. 34 of 2022 from the month of August, 2022 onward to the opposite party no.3, his bail bond is liable to be cancelled. The aforesaid maintenance amount shall be subject to any order passed by the Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No. 34 of 2022.

The amount of Rupees Five Thousand shall be transferred by the petitioner in the bank account of the opposite party no.3 by 15th day of each month. Details of the bank account shall be furnished by the opposite party no.3 to the petitioner.

It has been submitted by the counsel for the opposite party no.3 that Maintenance Case No. 34 of 2022 has been filed in the Court of Principal Judge, Family Court, Vaishali at Hajipur by the opposite party no.3.

The petitioner shall appear in the maintenance case on 24th of August, 2022 and, thereafter, the Principal Judge, Family Court, Vaishali at Hajipur, will fix the date in the case and hear the case expeditiously and conclude the maintenance case within three 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 Rajnesh 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 03.10.2022 for considering the compliance report by Principal Judge, Family Court, Vaishali at Hajipur.”

With the aforesaid modification in the order dated 02.03.2022 passed in Cr. Misc. No. 70256 of 2021, it is allowed.

(Sandeep Kumar, J)

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