

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30568 of 2021

Arising Out of PS. Case No.-507 Year-2020 Thana- MAHUA District- Vaishali

RAJESH KUMAR Son of Jawahar Lal Gupta Resident of Shiv Shakti Nagar
Chauraha, Bazar Samiti, P.S. - Bahadurpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Kumari Wife of Rajesh Kumar Daughter of Arvind Kumar Sah,
Resident of Lagurawn, P.S. - Mahua, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner apprehends his arrest in connection
with Mahua P.S. Case No. 507/2020 registered for the offences
punishable under Sections 341/323/498(A)/506 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

At the very outset, learned counsel for the petitioner
has offered to pay maintenance of Rs. 12,000/- (Twelve
Thousand) per month to the opposite party No. 2.

Considering the submission of the parties and the fact
that this case has been registered under Section 498A of the



Indian Penal Code, inasmuch as, there are allegations and counter allegations, which cannot be decided in this anticipatory bail proceeding, 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, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 507/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and also with condition that the petitioner shall pay maintenance of Rs. 12000/- per month to the opposite party No. 2 beginning from January, 2022.

The maintenance amount shall be deposited in the bank account of opposite party No. 2, details of which shall be provided by learned counsel for the opposite party No. 2 to learned counsel for the petitioner appearing in the court below. In default of payment of the aforesaid maintenance amount, the bail bonds of the petitioner is liable to be cancelled.

It has been submitted by learned counsel for the



opposite party No. 2 that a Maintenance Case No. 84 of 2020 has been filed by the opposite party No. 2 in the Court of Principal Judge, Family Court, Vaishali at Hajipur.

Learned counsel for the opposite party No. 2 is directed to supply the details of the maintenance case to the learned counsel for the petitioner who is appearing in the Court below and, thereafter, the petitioner shall appear in the maintenance case. The maintenance case shall be decided by the Principal Judge, Family Court, Vaishali at Hajipur, within a period of four months from today and submit a report before this Court.

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.

With the aforesaid direction and observations, this



application is allowed.

(Sandeep Kumar, J)

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