

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30045 of 2021

Arising Out of PS. Case No.-820 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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Amit Kumar, aged about 43 years, Male Son of Jagdish Prasad Sah, Resident of Village - Agarpur, Arya Samaj Road, P.O. - Lalganj, P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, Wife of Amit Kumar, Daughter of Rajendar Prasad Sah, Resident of Village - Agarpur, Arya Samaj Road, P.O. - Lalganj, P.S. - Lalganj, District - Vaishali. At present Mohalla - Kasim Bazar, Masjid Gali, P.O. - Munger, P.S. - Kasim Bazar, District - Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 16-05-2022 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, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2.

The petitioner apprehends his arrest in connection with Complaint Case No. 820C of 2018 registered for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

In view of the law laid down by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar** reported



in **(2014) 8 SCC 273**, this 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 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, Munger in connection with Complaint Case no. 820C of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the opposite party no. 2 submits that Matrimonial Case No. 112 of 2018 is pending in the Court of Principal Judge, Family Court, Munger but the maintenance amount is not being paid by the petitioner.

At the time of furnishing bail bond, the petitioner should start making payment of the maintenance amount as per the order of the Principal Judge, Family Court, Munger. The maintenance amount for the month of May shall be paid at the time of furnishing bail bond. The arrears of maintenance as directed by the Principal Judge, Family Court shall be paid within a year. The Court below will grant provisional bail to the petitioner and the same shall be confirmed only after the



petitioner pays the entire arrears of maintenance within a year.
He shall also pay regular maintenance to the opposite party no.
2 as per the order of the Principal Judge, Family Court, Munger.

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

(Sandeep Kumar, J)

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