

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31578 of 2021

Arising Out of PS. Case No.-70 Year-2019 Thana- MAHILA PS District- East Champaran

Ekramul Haque Son of Sekh Samsuddin R/O Village- Galimapur, P.O. & P.S.
Taraiya, District- Chapra (Saran)

... .. Petitioner

Versus

1. The State of Bihar.
2. Nazani Khatoon Wife of Ekramul Haque, D/O- Late Shekh Samruddin R/O
Village- Basaon, P.S.- Basatpur, District- Siwan.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Saroj Kumar Singh, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP
For the Informant	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-03-2022 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

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.

The petitioner apprehends his arrest in connection
with East Champaran, Motihari Mahila P.S. Case No. 70 of 2019
registered for the offences punishable under Sections 341, 342,
323, 504, 406, 313, 498(A) of the Indian Penal Code and Section
34 of the Dowry Prohibition Act.

The petitioner has produced the original
interlocutory application which is kept on record. In the
interlocutory application, the petitioner has given his present
and correct address.

There are allegations and counter allegations between
both the parties. The petitioner is the husband of the opposite



party no. 2. The alleged dispute and the allegations cannot be verified in this anticipatory bail proceeding.

Considering the same and also ***in view of the law laid down by the Apex Court in the case of Arnesh Kumar Vs. The 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 her 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari in connection with East Champaran, Motihari Mahila P.S. Case No. 70 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It has been informed that the opposite party no. 2 has filed Maintenance Case No. 103 of 2021 in the Court of Principal Judge, Family Court, East Champaran, Motihari in which the petitioner has not yet appeared.

The petitioner is directed to appear in the aforesaid Maintenance Case on 23rd of March, 2022 and on that date the Principal Judge, Family Court, East Champaran, Motihari will fix a date for hearing and thereafter will proceed and decide the maintenance case within the next three months. If the petitioner



does not cooperate in the maintenance case then the maintenance case will proceed *ex-parte*. While deciding the maintenance, the Principal Judge, East Champaran, Motihari will be guided by the judgment of the Hon'ble Supreme Court in the case of ***Rajnish Vs. Neha, reported in 2020 SCC Online SC-903.***

In the meantime, the petitioner will pay maintenance of Rs. 3,000/- per month to the opposite party no. 2 in her bank account, the details of which shall be shared by the Advocate of the opposite party no. 2 to the Advocate for the petitioner either in this Court or in the Court below. Any default to make payment of the maintenance amount will result in the cancellation of the bail bond of the petitioner.

This maintenance amount is subject to the final order of maintenance passed by the Principal Judge, Family Court, East Champaran, Motihari.

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

Let a copy of this order be communicated to the Principal Judge, Family Court, East Champaran, Motihari through *fax/e-mail*.

(Sandeep Kumar, J)

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