

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24159 of 2022

Arising Out of PS. Case No.-1150 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Krishna Kant Kumar Kamal, S/o Bhagwati Jaiswal, Resident of Ward No.7,
Bihiyan Bazar, P.S.- Bihiyan Bazar, District- Bhojpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Sweety Gupta, W/o Krishna Kant Kumar Kamal, Resident of ward No.7,
Bihiyan Bazar, P.S.- Bihiyan Bazaar, District- Bhojpur, Bihar, at Present
residing at Mohalla Belwanama, behind Bharat Petroleum Patrol Pump, P.S.-
Motihari Town, District- East Champaran, Bihar.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan, Advocate
For the Opposite Parts : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-05-2022 Heard learned counsel for the parties.

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.

This application for anticipatory bail arises out of
Complaint Case No. 1150 of 2021 registered for the offences
under Sections 323, 313, 498-A, 307, 328 and 504 of the Indian
Penal Code and under Section 3/4 of the Dowry Prohibition Act
but, cognizance has been taken under Sections 323, 498-A/34 of
the Indian Penal Code and under Section 3/4 of Dowry
Prohibition Act.



There are allegations and counter allegations made by both the parties against each other, which cannot be decided in the present anticipatory bail proceeding.

Considering the aforesaid fact and also the law laid down by the Apex Court in the case of *Arnesh Kumar vs. State of Bihar* reported in *(2014) 8 SCC 273*, this anticipatory bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, East Champaran at Motihari, in connection with Complaint Case No. 1150 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is submitted by the petitioner that the petitioner is working as Income Tax Inspector and he has two children who are staying with their mother i.e. opposite party no.2.

Considering the same, it is directed that the petitioner shall pay maintenance of Rs. 25,000/- per month to the opposite party no.2. The aforesaid amount of maintenance shall be credited in the bank account of the opposite party no. 2



by 7th of every month beginning from May, 2022. The opposite party no.2 shall provide her bank account details to the petitioner or his advocate immediately. In failure to pay the aforesaid amount of maintenance to the opposite party no.2, this order shall automatically stand canceled and the petitioner shall be taken into custody.

It has been informed that opposite party no. 2 has filed Maintenance Case No. 290 of 2021 in the Court of learned Principal Judge, Family Court, Motihari.

The Principal Judge, Family Court, Motihari, is directed to dispose of the aforesaid Maintenance Case No. 290 of 2021 within one year from today.

The Principal Judge, Family Court, Motihari, will not adjourn the case on flimsy grounds and if the petitioner does not cooperate in the proceeding, the Maintenance Case shall be decided ex parte. While deciding the Maintenance Case, the Family Court will follow the ratio laid down by the Hon'ble Supreme Court in the case of ***Rajnish vs. Neha*** reported in ***(2021) 2 SCC 324***.

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

Let a copy of this order be communicated to the



Principal Judge, Family Court, Motihari, through FAX or e-mail
forthwith for its compliance.

(Sandeep Kumar, J)

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