

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37449 of 2021

Arising Out of PS. Case No.-28 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Md. Mumtaz, Son of Allauddin Resident of Village- Sarauni, P.S.- Kawakole,
District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Parveen @ Guria Khatoon Wife of Md. Mumtaz Resident of Village- Sarauni, P.S.- Kawakol, District- Nawada, At present D/o Md. Jafar, Resident of Mohalla- Badi Dargah, Naya Tola, Islam Nagar, P.S.- Bihar, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Sinha, Advocate
For the State	:	Mrs. Veena Rani Jaiswal, APP
For Opp. Party No.2	:	Mr. Hansraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 17-05-2022 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel for the opposite party
no.2.

The petitioner apprehends his arrest in connection
with Complaint Case No.28C of 2018 for offences under
Sections 323, 341, 498A, 379, 504 and 506/34 of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Mediation has failed.

In view of the law laid down by the Apex Court in the
case of *Arnesh Kumar V State Of Bihar reported in (2014) 8*
SCC 273, this application for anticipatory bail is allowed.



Accordingly, let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif in connection with Complaint Case No.28C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It has been submitted by learned counsel for the opposite party no.2 that Maintenance Case No.163(M) of 2018 is pending in the court of the Principal Judge, Family Court, Nalanda at Biharsharif. It has also been submitted that the petitioner is not appearing in the court of Principal Judge, Family Court, Nalanda.

Petitioner is directed to appear in the court of Principal Judge, Family Court, Nalanda on 25.05.2022 and a short date may be fixed by the Principal Judge, Family Court, Nalanda and aforesaid Maintenance Case may be decided by the Principal Judge, Family Court, Nalanda within a period of three months from today.

Petitioner is also directed to pay interim maintenance of Rs.5000/- (Rupees five thousand) per month to the opposite



party no.2 during the pendency of the Maintenance Case before the Principal Judge, Family Court, Nalanda. The maintenance amount for the month of May, 2022 may be paid to the opposite party no.2 by 25th of May, 2022. Petitioner is also directed to pay litigation cost of Rs.25,000/- to the opposite party no. 2 within fifteen days from today. In case of default in payment of maintenance amount, as fixed by this Court or fixed/revised by the Principal Judge, Family Court, Nalanda, bail bond of the petitioner shall be cancelled by the court below as and when an application is filed by the opposite party no.2.

With the aforesaid observation and direction, this application for anticipatory bail is allowed.

(Sandeep Kumar, J)

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