

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43743 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Ankit Upadhyay S/O Sri Om Prakash Upadhyay R/o Village - Sarauli @
Patehiya, P.S. - Jangipur, District - Gazipur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Bishwajeet Singh, Advocate
For the Opposite Party : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-01-2022 The matter is being heard through video conferencing

due to circumstances prevailing on account of Covid-19

pandemic.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Bhagwan Bazar P.S. Case No.17 of 2021 registered for
offences under Sections 498A,354 and 34 of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner was married with the informant in the
year 2016. Thereafter it has been alleged by the informant that
she was being tortured and the petitioner also tried to commit
unnatural sexual intercourse with her. There are two children
also borne out of their wedlock.



Learned counsel for the informant submits that this petitioner tortured not only the informant but also two children.

Considered the submissions of the parties. There are allegations and counter allegations by both the parties which cannot be decided in this proceeding.

Considering the aforesaid facts, the 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 Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 17 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Learned counsel for the informant has submitted that the informant has filed Maintenance Case No. 25 of 2021 in which the petitioner has chosen not to appear till date.

It is directed that the petitioner will appear in Maintenance Case No. 25 of 2021 pending in the court of the Principal Judge, Family Court, Saran at Chapra on 07.02.2022 and thereafter Principal Judge, Family Court, Saran at Chapra



will proceed with the maintenance case expeditiously and the same shall be decided within a period of three months from today. The Principal Judge, Family Court, Saran at Chapra is directed to proceed in accordance with law even if the petitioner does not cooperate in the case.

While deciding the aforesaid maintenance case, the Principal Judge, Family Court, Saran at Chapra shall be guided by the law laid down by the Apex Court in the case of *Rajnesh Vs. Neha & Ors. [(2021) 2 SCC 324]*

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

(Sandeep Kumar, J)

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