

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40526 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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VIJAY KUMAR YADAV S/O LATE GANESH YADAV RESIDENT OF
VILLAGE-MADARPUR BARBIGHA, P.O, P.S AND DISTRICT-
JEHANABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CHINTA DEVI W/O VIJAY KUMAR YADAV RESIDENT OF VILLAGE
MADARPUR BARBIGHA, P.O, P.S AND DISTRICT- JEHANABAD
3. PRIYANKA KUMARI D/O VIJAY KUMAR YADAV AND M/O CHINTA
DEVI RESIDENT OF VILLAGE MADARPUR BARBIGHA, P.O, P.S
AND DISTRICT- JEHANABAD
4. MADHU KUMARI D/O VIJAY KUMAR YADAV AND M/O CHINTA
DEVI RESIDENT OF VILLAGE MADARPUR BARBIGHA, P.O, P.S
AND DISTRICT- JEHANABAD

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-03-2022 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 and learned

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection

with Complaint Case No. (P)/45/2020 registered for the offences

punishable under Sections 498(A)/494/406/496 of the Indian

Penal Code.

It has been submitted by the learned counsel for the

petitioner that the marriage is quite old and the petitioner has



two grown up children and it does not seem to be a case of torture for dowry.

Mr. Shivendra Prasad, learned counsel for the opposite party No. 2 submits that the petitioner has tortured the opposite party No. 2 and her children and has thrown her out of his house and has remarried also. Learned counsel for the O.P. No. 2 further submits that a maintenance case (**Chinta Devi Vs. Vijay Kumar Yadav**) has been filed in the year 2019 which is pending in the Court of Principal Judge, Family Court, Jehanabad. Though, the petitioner has appeared, but no final order has been passed due to corona crisis.

Considered the submissions of the parties.

Without going into the details of the allegations and counter allegations which can only be verified during the trial and considering the judgment of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the prayer of the petitioner for grant of 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, Jehanabad, in connection with Complaint Case No. (P)/45/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Principal Judge, Family Court, Jehanabad is directed to dispose of the maintenance case filed by Chinta Devi wife of Vijay Kumar Yadav (petitioner) within three months in accordance with law laid down by the Supreme Court in the case of *Rajnish vs. Neha & Ors. [(2021) 2 SCC 324]*.

The Court below shall send a report about the disposal of the maintenance case after three months.

The petitioner is directed to appear on 09th of March, 2022 in the Court of Principal Judge, Family Court, Jehanabad, through his lawyer and, thereafter, the Principal Judge will fix a date and will proceed with the maintenance case and decide it within the period as directed above.

In case on non-cooperation by the petitioner in disposal of the aforesaid maintenance case, the Principal Judge will proceed *ex parte* against the petitioner.

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

(Sandeep Kumar, J)

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