

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41794 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- MAHILA P.S. District- Nalanda

RANJAN KUMAR CHAUDHARY S/O Suresh Chaudhary R/o- Gali No. 2,
Bank Colony, Mehar Par, P.S. - Laheri, Distt. Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rakhi Ranjan D/O - Lallu Chaudhary R/O Mohalla Nanmuhiya, P.S. -
Alamganj, Distt. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 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 Mahila P.S. Case No. 124/2020 registered for the offences
punishable under Sections 498(A)/494 of the Indian Penal
Code.

It has been submitted by learned counsel for the
petitioner that the petitioner is a physically challenged person
working in a bank and he is posted in Samastipur. The wife is
staying in the house along with her two children and it is the



petitioner who is maintaining his wife and two children along with his parents and his younger siblings. He further submits that he is ready to pay a monthly maintenance of Rs. 20, 000/- (Rupees Twenty Thousand) only for the maintenance of his wife and children. He also submits that a maintenance case being Maintenance Case No. 61(M)/2020 is pending in the Court of Principal Judge, Family Court, Nalanda, in which the petitioner has not appeared.

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, subject to payment of monthly maintenance of Rs. 20,000/- per month in the bank account of the opposite party No. 2.

It has come to the notice of this Court that the Family Courts in Bihar are taking the maintenance cases very lightly. They are proceeding with the maintenance cases as they are proceeding with the title suits. The Family Courts should give preference to the cases filed for maintenance and it should be decided expeditiously. Though, the Family Courts have been



made aware of the judgment of the Hon'ble Apex Court passed in the case of *Rajnish vs. Neha & Ors. [(2021) 2 SCC 324]*, but this judgment has also not been followed by most of the Family Courts in Bihar. The Principal Judge, Family Court, Jehanabad is directed to dispose of the Maintenance Case No. 61(M)/2020 in the light of the aforesaid judgment passed by the Supreme Court.

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 S.D.J.M., Nalanda at Biharsharif in connection with Mahila P.S. Case No. 124/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The petitioner shall be allowed to meet his children and shall not be stopped by the wife (opposite party No. 2) from entering the house for meeting the children.

With the aforesaid direction, the present application for grant of anticipatory bail is allowed.

(Sandeep Kumar, J)

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