

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42810 of 2021

Arising Out of PS. Case No.-1562 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Manish Kumar Son of Shambhu Prasad Resident of Village- Pakadi Dih Ward
No, 11, P.S.- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gyanti Devi Daughter of Bhuneshwar Prasad Resident of Village- Sugaw
Hanuman Sah Ke Tola, Ward Non. -5, P.S.- Sugauli, District- East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Harendra Prasad, APP
For Opp. Party No. 2	:	Mr. Dhananjay Kumar No.2, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 04-04-2022 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no.2.

The petitioner apprehends his arrest in connection
with Trial No.1129 of 2019 arising out of Complaint Case No.
C-1562 of 2019 for offences under Section 498A of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
allegations levelled against the petitioner are false.

Learned counsel for the opposite party no.2 submits
that the petitioner is having extramarital relation with another
lady and as such she has not been able to stay in the matrimonial



home and she has also filed Matrimonial Case No. 21 of 2022 in the court of the Principal Judge, Family Court, East Champaran at Motihari. It has further submitted on her behalf that the petitioner is a reputed businessman having his own shop.

Considering the aforesaid facts, this application for 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 ten 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 Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Trial No.1129 of 2019 arising out of Complaint Case No. C-1562 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

During the pendency of the aforesaid Matrimonial Case, the petitioner shall pay maintenance of Rs.10,000/- per month to the opposite party no.2 which shall be transferred in her account by 15th day of each month and any default in payment of the maintenance amount to the opposite party no. 2 shall result in cancellation of the bail bond of the petitioner. Details of the bank account shall be furnished by the opposite



party no.2 to the petitioner.

Petitioner is directed to appear in the court of learned Principal Judge, Family Court, East Champaran at Motihari on 11th of April, 2022. The Principal Judge, Family Court, Motihari will proceed to hear Matrimonial Case No.21 of 2022 expeditiously and conclude the same within three months from today. While deciding the Matrimonial Case, the Principal Judge, Family Court, East Champaran at Motihari shall consider also the law laid down by the Supreme Court in the case of ***Rajnesh vs. Neha & Ors. [(2021) 2 SCC 324]***.

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

(Sandeep Kumar, J)

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