

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44752 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- MAHILA P.S. District- Saran

=====

RANJAN RAI @ RANJAN KUMAR RAI, S/o Sri Sikandar Rai, R/o village-
Sabalpur, Newal Tola, P.S.- Sonpur, District- Saran

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Devi, wife of Ranjan Rai, D/O- Ram Bachan Rai, resident of village-
Shyamchak, P.S.-Daraipur, District- Saran. At present Neur Tola, P.S.-
Sonepur, District- Saran.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. M.N. Parbat, Senior Advocate Mr. Praveen Prabhakar, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP
For the O.P. No.2	:	Mr. Shatrughan Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 03-03-2022 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mahila P.S. Case No. 37 of 2020 for the offence punishable under Sections 341, 323, 498-A, 494, 504 and 506/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

It has been submitted by Sri M.N. Parbat, learned Senior Advocate for the petitioner that there was a *panchayati* held between the family of the petitioner and the opposite party no.2 and in that *panchayati* the opposite party no.2 had said that she will not go and stay with the petitioner (husband). It has also



been submitted that opposite party no.2 has filed a maintenance case against the petitioner.

Sri Pandey, learned counsel for the opposite party no.2 submits that the opposite party no.2 is ready to live with the petitioner.

Considering the fact that there are allegations and counter allegations made by the parties against each other, which cannot be decided in the present anticipatory bail proceeding and view of law laid down by the Apex Court in the case of *Arnesh kumar vs. State of Bihar* reported in (2014) 8 SCC 273, this anticipatory bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Chapra, in connection with Mahila P.S. Case No. 37 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It has been informed by learned counsel for the opposite party no.2 that Maintenance Case No. 47 of 2021 has been filed by the opposite party no.2 which is pending in the



court of learned Principal Judge, Family Court, Chapra, which may be decided at the earliest.

The Principal Judge, Family Court, Chapra is directed to decide the maintenance case within a period of three months from the date of receipt of a copy of this order. If any of the parties do not cooperate in the maintenance case then the Principal Judge, Family Court, Chapra, will proceed exparte.

This order shall not preclude the Principal Judge, Family Court, Chapra to take steps for reconciliation between the parties.

Let this order be communicated to the Principal Judge, Family Court, Chapra, through FAX or e-mail.

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

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

