

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45723 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- MAHILA P.S. District- Bhojpur

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ABHAY SINGH S/o Balindar Singh R/o village- Jalalpur, P.S.- Tarwara,
District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Tiwari D/o Narmdeshwar Tiwari, W/o Abhay Singh Present R/o
village- Bishunpua, P.O.- Bampali, P.S.- Udwantnagar, District- Bhojpur
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Anuj
For the Opposite Party/s : Mr.Mukeshwar Dayal

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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

Bhojpur Mahila P.S. Case No. 05/2021 registered for the offences

punishable under Sections 323/498-A/379/504/506/ 354/34 of the

Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It has been submitted by both the parties that the

marriage has failed. The petitioner as well as the opposite party

No. 2 are gainfully engaged.

It has been submitted by learned counsel for the



petitioner that an application under Section 12 of the Hindu Marriage Act is pending in the Court of Principal Judge, Family Court, Arrah.

Considered the submissions of the parties.

There are allegations and counter allegations by both the parties and this cannot be decided in this anticipatory bail proceeding.

In view of the law laid down in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the present anticipatory bail application 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 S.D.J.M.-9, Bhojpur (Arrah) in connection with Bhojpur Mahila P.S. Case No. 05/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The parties may file an application under Section 13 of the Hindu Marriage Act in the pending matrimonial case or a separate case for divorce by mutual consent which shall be decided by the



Principal Judge, Family Court, Arrah expeditiously preferably within three months.

If any application for divorce by mutual consent is filed by the parties, the gap of six months between first motion and second motion may be shortened by the concerned Principal Judge in accordance with law.

(Sandeep Kumar, J)

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