

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45779 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- JANDAHA District- Vaishali

Puneet Kumar Son of Lakshmi Sah @ Laxmi Prasad Resident of House No-29, Shiv Vihar Phase No-05, Gali No.1, P.S.- Karawal Nagar, Gokul Puri, District- East Delhi, Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pushpa Kumari Wife of Puneet Kumar, Daughter of Shri Bineshwar Prasad Sah Resident of Village- Murtzapur, P.S.- Jandaha, Distt- Vaishali at Hajipur.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Dhananjai Kumar Singh, Advocate
For the State	:	Mr.Md. Iftekhar Mahmood, APP
For Opp. Party No.2	:	Mr. Prakash Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 03-02-2022 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 Jandaha P.S. Case No. 91 of 2021 registered for offences under Sections 498A, 323, 504 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Considering the nature of allegations; and in view of the fact that this case is triable by the Magistrate and in view of the law laid down by the Apex Court in the case of *Arnesh Kumar V State Of Bihar* reported in (2014) 8 SCC 273, the application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event



of his arrest or surrender within ten weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate -IX, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 91 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner has offered to pay the maintenance of Rs.5000/- (Rupees five thousand) to opposite party no.2 which shall be subject to any final order in Maintenance Case No. 80 (M) of 2021.

Learned counsel for the opposite party no.2 will furnish the details of bank account to learned counsel appearing on behalf of the petitioner in the court below and maintenance amount shall be deposited by the petitioner by 7th day of the next month.

In case opposite party no. 2 does not furnish the bank account, the petitioner shall pay maintenance amount to her through money order and file receipt in the court below. In case of default in payment of installment of the maintenance amount, bail bond of the petitioner shall stand automatically cancelled.

It is directed that the petitioner will appear in



Maintenance Case No. 80 (M) of 2021 pending in the court of the Principal Judge, Family Court, Vaishali at Hajipur within two weeks and thereafter Principal Judge, Family Court, Vaishali at Hajipur will proceed with the maintenance case expeditiously and the same shall be decided within a period of three months from today. The Principal Judge, Family Court, Vaishali at Hajipur is directed to proceed in accordance with law even if the petitioner does not cooperate in the case.

While deciding the aforesaid maintenance case, the Principal Judge, Family Court, Vaishali at Hajipur shall be guided by the law laid down by the Apex Court in the case of Rajnesh Vs. Neha & Ors. [(2021) 2 SCC 324].

With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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