

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49279 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- KANTI District- Muzaffarpur

Nathuni Sah S/O- Late Dhora Sah Resident of Village - Damodarpur Housing Board, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Kumari W/o Ravi Kumar Shah Present Add. - Late Dinanath Shah at Purani Gudari Road, P.S.- Town, Distt.- Muzaffarpur.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52198 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- KANTI District- Muzaffarpur

Ravi Kumar Son of Nathuni Sah Resident of Village - Damodarpur Housing Bord, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Kumari W/o Ravi Kumar Shah Present Add. - Late Dinanath Shah at Purani Gudari Road, P.S.- Town, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49279 of 2021)

For the Petitioner : Mr. Chandra Shekhar Anand, Advocate

For the State : Mrs. Pushpa Sinha, APP

For Opp. Party No.2 : Mr. Dilip Kr. Sinha, Advocate

(In CRIMINAL MISCELLANEOUS No. 52198 of 2021)

For the Petitioner : Mr. Chandra Shekhar Anand, Advocate

For the State : Mr. Lakshmi Kant Sharma, APP

For Opp. Party No.2 : Mr. Dilip Kr. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 21-04-2022 Heard learned counsel for the petitioner; learned

APP for the State and learned counsel for the opposite party

no.2.

Since both these applications arise out of Kanti P.S.

Case No. 81 of 2021, they have been heard together and they are

being disposed of by this common order.



The petitioners of both these applications apprehends their arrest in connection with Kanti P.S. Case No. 81 of 2021 registered for offences under Sections 341, 323, 498(A) and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has offered to pay maintenance amount of Rs. 3000/- (Rupees three thousand) per month to the opposite party no.2.

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

Considered the submission of the parties.

In view of the fact that this is a case triable by the magistrate and considering the law laid down by the Apex Court in the case of *Arnesh Kumar Vs. State of Bihar* reported in (2014) 8 SCC 273, both these applications for anticipatory bail are allowed.

Accordingly, let petitioners of both these applications, above named be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd,



Muzaffarpur in connection with Kanti P.S. Case No. 81 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It has been submitted by the counsel for the opposite party no.2 that Maintenance Case No. 374 of 2022 has been filed in the Court of Principal Judge, Family Court, Muzaffarpur, by the opposite party no.2.

It is made clear that if the husband of the opposite party no. 2 fails to give monthly maintenance of Rs. 3000/- per month beginning from the month of April, 2022 till the disposal of Maintenance Case No. 374 of 2022, his bail bond is liable to be cancelled. The aforesaid maintenance amount shall be subject to any order passed by the Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 374 of 2022. The husband of opposite party no.2 will also pay litigation cost of Rs.10,000/- to the opposite party no.2.

The amount of Rupees three thousand shall be transferred by husband of the opposite party no.2 in the bank account of the opposite party no.2 by 15th day of each month. Details of the bank account shall be furnished by the opposite party no.2 to her husband.

The petitioners shall appear in the maintenance case



on 11th of May, 2022 and, thereafter, the Principal Judge, Family Court, Muzaffarpur will fix a firm date in the case and hear the case expeditiously and conclude the maintenance case within three months. The maintenance case may proceed ex parte, if either of the parties do not co-operate.

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 *Rajnesh vs. Neha & Ors.* [(2021) 2 SCC 324], but this judgment has also not been followed by most of the Family Courts in Bihar.

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

(Sandeep Kumar, J)

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