

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50815 of 2021

Arising Out of PS. Case No.-311 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

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SUNNY PRAJAPATI @ SHANI PRAJAPATI S/o SURENDRA PRAJAPATI
R/o-BIHIYA, P.S-BIHIYA, DISTRICT- BHOJPUR ALSO R/o-GHATAON,
P.S- KUDRA, DISTRICT-KAIMUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BABY DEVI W/o SUNNY PRAJAPATI @ SHANI PRAJAPATI, D/o
DEVNATH PRAJAPATI R/o VILLAGE-KHIRI, P.S-RAJPUR, DISTRICT-
BUXAR. R/o VILLAGE-KHIRI, P.S-RAJPUR, DISTRICT-BUXAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ajit Kumar
For the Opposite Party/s :	Mr. Sucheta Yadav
	Mr. Rajesh Kumar
	Mr. Vinod Kumar Seth
	Mr. Vinod Kumar Seth
	Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 31-03-2022 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 Complaint Case No. 311/2018 registered for the offences

punishable under Sections 498(A) of the Indian Penal Code and

Section 4 of the D.P. Act.

Learned counsel for the petitioner submits that the



petitioner has filed a divorce case in the year 2018 in the Court of the Principal Judge, Family Court, Kaimur (Bhabhua) being Matrimonial Case No. 42 of 2018 for grant of divorce in the Court of Principal Judge, Family Court, Kaimur (Bhabhua). It is alleged that opposite party No. 2 was married from before, therefore, the marriage should be declared null and void.

It has been submitted by learned counsel for the petitioner that this allegation is false that the petitioner runs a computer centre and he has got married with one Poonam Devi and has got two children from her. Learned counsel for the petitioner submits that the petitioner is ready to pay a sum of Rs. 4,000/- (Rupees Four Thousand) per months as maintenance amount to the opposite party No. 2 till the decision of the divorce case, subject to the condition that the petitioner shall be paying interim maintenance of Rs. 4, 000/- (Rupees Four Thousand) per month which shall be subject to the result of any order by the Principal Judge, Family Court, Kaimur (Bhabhua) interim / finial maintenance.

In an anticipatory bail application, this type of allegation and counter allegation, cannot be decided.

In view of the above, 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 CJM, Buxar in connection with Complaint Case No. 311/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Any default in payment shall result into cancellation of the bail application of the petitioner.

The opposite party No. 2 is directed to appear in the Court of learned Principal Judge, Family Court, Kaimur (Bhabhua) on 18th of April, 2022 and, thereafter, Principal Judge, Family Court, Kaimur (Bhabhua), will fix a date and thereafter, aforesaid divorce case shall proceed expeditiously and the same shall be decided within six month from today.

It is directed that if either of the parties do not co-operate in the divorce case, then the Principal Judge, Family Court, Kaimur (Bhabhua) will proceed in the divorce matter without waiting for further appearance of the parties. If the divorce case result in the grant of decree or divorce then the interim maintenance offered by the petitioner will stop. If the



divorce case is dismissed by the Principal Judge, Family Court, Kaimur (Bhabhua) then the maintenance offered by the petitioner shall continue till disposal of the criminal case or till any competent court passes any order.

(Sandeep Kumar, J)

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