

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9425 of 2021

Arising Out of PS. Case No.-1716 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

ABHISHEK KUMAR TIWARI @ ABHISHEK TIWARI @ CHHOTU S/O
Baban Tiwari R/O Phulwariya, P.S. Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NIDHI KUMARI W/O Abhishek Kumar Tiwari @ Abhishek Tiwari @ Chhotu R/O Phulwariya, P.S. Rajepur, District - East Champaran. Presently R/o D/O Rakesh Singh R/O Jasodamathh @ Rampur harihar P.S. Kanti, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 27-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner apprehends his arrest in connection with Complaint Case No. 1716 of 2019 registered for the offences punishable under Sections 341/323/504/498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Despite service of notice, the opposite party No. 2 has chosen not to appear.



It has been submitted by learned counsel for the petitioner that an application under Section 9 of the Hindu Marriage Act is pending in the Family Court, Motihari. It has also been submitted that though it is a case of the year 2019, till date in that case also, the other side has not appeared.

It seems that the complainant is avoiding appearance in various proceedings pending in different Courts. This Court cannot be a mute spectator to all these things.

Considering the fact that this is a matrimonial dispute and application under Section 9 of the Hindu Marriage Act is also pending since 2019 and the complaint was filed after filing of the application under Section 9 of the Hindu Marriage Act, the prayer of the petitioner for grant of anticipatory bail 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 ten 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 J.M. 1st Class, East Champaran, in connection with Complaint Case No. 1716 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



The concerned Family Court is directed to dispose of the Matrimonial Case No. 161 of 2019 within the next six months.

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

(Sandeep Kumar, J)

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