

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53002 of 2019

Arising Out of PS. Case No.-3573 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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NIRAJ SRIVASTAVA @ NIRAJ KUMAR SRIVASTAVA S/o- Late Lalan Prasad Srivastava R/V- Srivastava Medical and General Store, Swaz Firm, Nandpuri Extension Sodala near at Sunny Temple, P.S.- Sodala, P.O.- Sodala, District- Jaipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Kumari W/o- Sri Niraj Srivastava At present resident of Village- Asha Verma, House No. 27, Anand Niwash, South of Malahi Pakari, Gayatri Nagar, P.S.- Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Ashraf Ansari

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 07-01-2022 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. 3573 of 2018 registered for the offences punishable under Sections 498(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the boy is ready to settle the dispute permanently and for that he is ready with a bank draft of Rupees Seven Lakhs.

Learned counsel for the girl submits that apart from the dowry amount of Rupees Eight Lakhs, her jewellery is also



lying with the other side.

These are the disputed questions of fact which cannot be decided in this anticipatory bail proceeding.

Considering the aforesaid facts, 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 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 Sub Judge X cum A.C.J.M., Patna, in connection with Complaint Case No. 3573 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

This is subject to the conditions that the petitioner shall deposit Rupees Seven Lakhs in four equal installments in the Court below within a period of six months from today, the court below, in turn, shall handover the same to the opposite party No. 2 and after payment of first installment, the petitioner shall be released on provisional bail and after payment of Rupees Seven Lakhs, the provisional bail so granted to the petitioner shall be confirmed.

The final amount of alimony can only be decided by



the Family Court in a proper proceeding which both the parties are free to initiate.

It has been submitted by learned counsel for the petitioner that he has filed a divorce case in Jaipur, but he is agreeable to settle all his disputes with the girl and, therefore, he is ready to withdraw the said divorce case in order to file fresh divorce petition at Patna. Once the divorce case is withdrawn at Jaipur and filed in the Family Court, Patna, the Family Court Patna, is directed to dispose of the case as well as the maintenance case within a period of six months from the date of filing of the divorce case after hearing both the parties. If the petitioner withdraws the divorce case and files the fresh case at Patna, then, the further proceedings of the criminal case will await the result of the divorce case as well as the maintenance case.

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

(Sandeep Kumar, J)

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