

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2389 of 2021

Arising Out of PS. Case No.-121 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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MOHAN PANDIT Son of Sri Mahesh Pandit Resident of Village - Dudhkaul
P.S.- Taljhari, Distt.- Sahebganj (Jharkhand), A/P- Constable No.431 S.P.
office, Ramgarh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

2. Kalpati Devi, W/o Rudal Pandit, R/o- Karamlichak, Post - Begampur, P.S.
Bye Pass, near Mahadevsthan, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad Sinha, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 03-03-2022 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 C.A. Case No. 121 of 2018 registered for the offence

punishable under Sections 313, 323, 354 and 506 of the Indian

Penal Code.

At the outset, learned counsel for the petitioner on

instruction from the petitioner, who is present in Court, offers to

pay a sum of Rs. 10,000/- (Ten Thousand) per month for the



maintenance of his two daughters who were staying with the informant.

The First Information Report has been registered by the mother-in-law of the petitioner making certain allegations against the petitioner, who is a police personnel. The informant's daughter was a second wife of the petitioner and she died, thereafter the petitioner has re-married. From his first marriage, he has two girl children, who are staying with the petitioner. There are allegations and counter allegations by both the sides which cannot be verified in anticipatory bail proceedings.

Considering the aforesaid facts and considering the law laid down by the Supreme Court in the case **Arnesh Kumar Vs. The State of Bihar reported in (2014) 8 SCC 273**, the present anticipatory bail application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the even 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 A.C.J.M -IInd, Patna City in connection with C.A. Case No. 121 of 2018, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

The petitioner is directed to pay a sum of Rs. 10,000/- (ten thousand) as maintenance for his two daughters which shall be transferred to the bank account of the informant by 10th of every month regularly and any default in the transfer/payment of the maintenance amount will result in the cancellation of the bail of the petitioner. The maintenance amount shall be subject to the result of the maintenance case pending between the parties. The Criminal case filed will be kept in abeyance during the pendency of the Guardianship Case No. 31 of 2020 and which shall abide by the result of the guardianship case.

(Sandeep Kumar, J)

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