

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6704 of 2021

Arising Out of PS. Case No.-2034 Year-2018 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Chandan Singh S/O Ekram Singh R/O Shantipur Dhankhera, P.S-Roorkee,
District-Haridwar (Uttarakhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ravindra Kumar, Advocate
For the State	:	Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 2034(C) of 2018 registered for offences under Sections 323, 498A, 504 and 506 of the Indian Penal Code in which allegations have been levelled against the petitioner who is the husband of the complainant.

Despite service of notice upon opposite party no.2, she has chosen not to appear.

Learned counsel for the petitioner submits that the opposite party no.2 is getting maintenance of Rs.24,512/- from the office of the Army which is being deducted from salary of the petitioner.



In view of the law laid down by the Apex Court in the case of *Arnesh Kumar V State Of Bihar* reported in (2014) 8 SCC 273, this application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender in the court below, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Complaint Case No.2034(C) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This Court is not fixing the period for surrender in the court below in view of the fact that the petitioner is an Army Personnel and is posted at the Border and his bail bond shall be accepted as and when he is granted annual leave and appears before the court concerned for executing bail bond.

It has been submitted by learned counsel for the petitioner that Divorce Case No. 492 of of 2018 which has been filed by the petitioner is pending in the court of learned Additional Principal Judge, Family Court, Roorkee.

From the submission of the petitioner, it seems that the complainant is interested only in getting maintenance and is not interested in participating in the proceeding in Divorce Case



No. 492 of of 2018 which is apparent from the fact that she has not appeared even after receiving notice.

The Additional Principal Judge, Family Court, Roorkee is directed to dispose of Divorce Case No. 492 of of 2018 as early as possible and in case opposite party no.2 does not cooperate in the divorce proceeding, he may choose to proceed ex parte.

Further proceeding of Complaint Case No.2034(C) of 2018 pending in the court of learned Chief Judicial Magistrate, Bhojpur, Ara shall be kept in abeyance awaiting final order of the Additional Principal Judge, Family Court, Roorkee in the aforesaid divorce case.

With the aforesaid observation and direction, this application is disposed of.

Office is directed to send a copy of this order to the Additional Principal Judge, Family Court, Roorkee for its compliance forthwith.

(Sandeep Kumar, J)

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