

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62045 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA P.S District- Supaul

Manohar Pandit Son of Jivachh Pandit Resident of Village- Parsauni, Ward
No. 1, Panchayat Bakaur, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Wife of Manohar Pandit, Daughter of Sri Banarsi Pandit Resident
of Village- Pathra, P.S.- Pipra, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-02-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner apprehends his arrest in connection
with Supaul Mahila P.S. Case No. 13/2020 registered for the
offences under Sections 341, 323, 498A, 504, 506/34 of the
Indian Penal Code and under Section 3/4 of the Dowry
Prohibition Act.

The petitioner is the husband of the opposite party
no.2. There are allegations of the torture and demand of dowry.

It has been submitted by the learned counsel for the
petitioner that since this case is triable by Magistrate and in
view of the law laid down by the Apex Court in the case of
Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC

273, he deserves anticipatory bail.

Learned counsel for the petitioner has also offered to pay an interim maintenance of Rs.5000/- (Rupees Five Thousand) per month of the opposite party no.2 during pendency of the maintenance case.

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 bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Supaul in connection with Supaul Mahila P.S. Case No.13/2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that if the petitioner fails to give monthly maintenance of Rs.5000/- per month till the disposal of the maintenance case from the month of February, 2022 onward to the opposite party no.2, his bail bond is liable to be cancelled. The aforesaid maintenance amount shall be subject to any order passed by the Principal Judge, Family Court, Supaul in Maintenance Case No.20/2020.

The amount of Rupees Five Thousand shall be transferred by the petitioner in the bank account of the opposite

party No.2 by 15th day of each month. Details of the bank account shall be furnished by the informant to the petitioner.

It has been submitted by the counsel for the opposite party no.2 that Maintenance Case No.20/2020 has been filed in the Court of Principal Judge, Family Court, Supaul by the opposite party no.2.

The petitioner shall appear in the maintenance case on 17th of February, 2022 and, thereafter, the Principal Judge, Family Court, Supaul, will fix the date in the case and hear the case expeditiously and conclude the maintenance case within three months. The maintenance case may proceed ex parte, if either of the parties do not co-operate. While deciding the maintenance case the family court will act as per the ratio laid down by the Hon'ble Supreme Court in the case of **Rajnesh Vs. Neha & Ors. [(2021) 2 SCC 324]**.

Any default in depositing the maintenance amount shall result in cancellation of bail bonds of the petitioner.

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

(Sandeep Kumar, J)

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