

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64742 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- MAHILA P.S. District- Sheohar

RAKESH KUMAR Son of Late Ram Babu Prasad Resident of Ward No. 10,
Nagar Panchayat, P.S.- Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Devi Wife of Sri Amandeep Kumar Resident of Village- Turki Khararu, P.S.- Meenapur, District- Muzaffarpur.
3. Amandeep Kumar S/o Not Known Resident of Village- Turki Khararu, P.S.- Meenapur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 25-04-2022 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 Mahila P.S. Case No. 04/2021 registered for the offences punishable under Sections 498(A)/323/341/504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The marriage is denied by the petitioner and there are allegations and counter allegations.

This is a case triable by the magistrate and



considering the law laid down by the Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar*** reported in ***(2014) 8 SCC 273***, 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 Chief Judicial Magistrate, Sheohar, in connection with Sheohar Mahila P.S. Case No. 04/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It has been submitted jointly by the counsel for the parties that Maintenance Case No. 52 of 2022 has been filed in the Court of Principal Judge, Family Court, Sheohar by the opposite party No. 2.

The petitioner shall appear in the aforesaid maintenance case on 10th of May, 2022 and, thereafter, the Principal Judge, Sheohar, 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.



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

(Sandeep Kumar, J)

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