

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63513 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- NAUTAN District- West Champaran

RAMJI SAH @ RAMJI KUMAR Son of Surendra Sah Resident of Village -
Fuliakhar Ward No. 08, Police Station - Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Ramji Sah @ Ramji Kumar, Daughter of Deshbandhu Prasad Resident of Village - Shyampur Kotraha, Police Station - Nautan, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner and learned counsel for the opposite party No. 2 including learned Additional Public Prosecutor for the State through video conferencing.

The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 04/2021 registered for the offences punishable under Sections 498-A/494 of the Indian Penal Code and Section 3/4 of the D.P. Act.

At the very outset, learned counsel for the petitioner has offered to pay a maintenance amount of Rs. 5,000/- (Rupees Five Thousand) per month to the opposite party No. 2.

Considered the submission of the parties.



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 373**, 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 04/2021, 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. 5,000/- per month till the disposal of the maintenance case from the month of February, 2022 onward to the opposite party No. 2, his bail bonds are liable to be cancelled. The aforesaid maintenance amount shall be subject to the any order passed by the Family Court, Bettiah, West Champaran.

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



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

It has been submitted jointly by the counsel for the parties that Maintenance Case No. 24(M) of 2021 has been filed in the Court of Principal Judge, Family Court, Bettiah, West Champaran, by the opposite party No. 2.

The petitioner shall appear in the maintenance case on 10th of February, 2022 and, thereafter, the Principal Judge, Family Court, Bettiah, West Champaran, 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.

It has come to the notice of this Court that the Family Courts in Bihar are taking the maintenance cases very lightly. They are proceeding with the maintenance cases as they are proceeding with the title suits. The Family Courts should give preference to the cases filed for maintenance and it should be decided expeditiously. Though, the Family Courts have been made aware of the judgment of the Hon'ble Apex Court passed in the case of ***Rajnish vs. Neha & Ors. [(2021) 2 SCC 324]***, but this judgment has also not been followed by most of the Family



Courts in Bihar.

Put up this case on 05.05.2022 for considering the compliance report by Principal Judge, Family Court, Bettiah, West Champaran.

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

(Sandeep Kumar, J)

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