

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64353 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- NTPC District- Bhagalpur

Moin Ansari @ Md. Moin Ansari, S/o Kurban Ansari, R/o village- Kazipura,
P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar.
2. Mahzabin Khatoon, W/o Moin Ansari @ Md. Moin Ansari, D/o Israil @
Late Md. Israifil R/o village- Bhadar, P.S.- N.T.P.C. Kahalgaon, District-
Bhagalpur

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Md. Najmul Hodda, Advocate
For the Opposite Party	:	Mr. Amitesh Kumar, APP
For the Opp. Party No.2	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-04-2022 Heard learned counsel for the parties.

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.

This application for anticipatory bail arises out of
Kahalgaon N.T.P.C. P.S. Case No. 16 of 2021 registered for the
offences under Sections 341, 323, 504, 498-A/34 of the Indian
Penal Code and under Section 3/4 of the Dowry Prohibition Act.

There are allegations and counter allegations made
by both the parties against each other, which cannot be decided
in the present anticipatory bail proceeding.



Considering the aforesaid fact and also the law laid down by the Apex Court in the case of *Arnesh Kumar vs. State of Bihar* reported in *(2014) 8 SCC 273*, this anticipatory bail application is allowed..

Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon N.T.P.C. P.S. Case No. 16 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Considering the facts and circumstances of the case, the petitioner is directed to pay maintenance of Rs.5,000/- per month to the opposite party no.2. The aforesaid amount of maintenance shall be credited in the bank account of the opposite party no. 2 by 7th of every month beginning from April, 2022. The opposite party no.2 shall provide her bank account details to the petitioner or his advocate immediately. In failure to pay the aforesaid amount of maintenance to the opposite party no.2, this order shall automatically stand canceled and the petitioner shall be taken into custody.



It has been informed that opposite party no.2 has filed Maintenance Case No. 134 of 2021 in the Court of learned Principal Judge, Family Court, Bhagalpur.

The Principal Judge, Family Court, Bhagalpur, is directed to dispose of the aforesaid Maintenance Case No. 134 of 2021 within a period of three months from today.

The Principal Judge, Family Court, Bhagalpur, will not adjourn the case on flimsy grounds and if the petitioner does not cooperate in the proceeding, the Maintenance Case shall be decided ex parte. While deciding the Maintenance Case, the Family Court will follow the ratio laid down by the Hon'ble Supreme Court in the case of *Rajnish vs. Neha* reported in *(2021) 2 SCC 324*.

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

Let a copy of this order be communicated to the Principal Judge, Family Court, Bhagalpur, through FAX or e-mail forthwith for its compliance.

(Sandeep Kumar, J)

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