

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65896 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- MAHILA PS District- Gopalganj

SHAIFI RAJA @ MD. SHAIFI RAJA, Son of Md. Akhtar Raja, R/o village-
Mathia Hata, P.S.- Kuchaikote, Dist.- Gopalganj

... .. Petitioners

Versus

1. The State of Bihar.
2. Farida Khatoon, Daughter of Mongal Jaan Ansari, R/o Village -
Dhamapakad, P.S.- Manjha, Dist.- Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Srivastava
For the State	:	Mr. Bharat Lal, APP
For the Opp. Party No.2	:	Mr. Jay Prakash Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-02-2022 Heard learned counsel for the parties through video conferencing.

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 Gopalganj P.S. Case No. 14 of 2021 for the offence punishable under Sections 341, 323, 498-A, 406/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner has offered to pay maintenance amount of Rs.3,000/- per month to the opposite party no.2.



Considered the submissions of learned counsel for the parties.

Considering the fact that there are allegations and counter allegations made by both the parties against each other, which cannot be tested in the present anticipatory bail proceeding, this application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within ten 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 Additional Sessions Judge-VII, Gopalganj, in connection with Gopalganj P.S. Case No. 14 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It has been informed by learned counsel for the opposite party no.2 that opposite party no.2 has filed Maintenance Case No. 124 of 2021 in the Court of learned Principal Judge, Family Court, Gopalganj, which is still pending.

It is made clear that if the petitioner fails to give monthly maintenance of Rs.3,000/- per month beginning from February, 2022 till the disposal of the maintenance case, his bail



bonds will be cancelled. The aforesaid maintenance amount shall be subject to any order passed by the Principal Judge, Family Court, Gopalganj.

Since learned counsel for the petitioner has now knowledge about the pendency of the Maintenance case, the petitioner is directed to appear in the Court of learned Principal Judge, Family Court, Gopalganj, on 25.02.2022. On that day, the Principal Judge, Family Court, Gopalganj, shall fix a date for hearing of the parties and on that date both the parties will appear through their counsel and thereafter the Principal Judge, Family Court will proceed in the matter and decide the same in the next three months. The Family Court 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**.

The Principal Judge, Family Court, Gopalganj, is directed to inform this Court about the conclusion of the Maintenance Case, as directed above, as and when it is decided.

Let this order be communicated to the Principal Judge, Family Court, Gopalganj, through FAX or e-mail.



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

(Sandeep Kumar, J)

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