

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67145 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- PATORI District- Samastipur

Ritesh Kumar S/O Late Dina Nath Prasad R/o village- Deeha, P.S.- Ariyori,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Aslam Ansari, APP
For the Informant	:	Mr. Dhananjai Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant.

The petitioner apprehends his arrest in connection with Patory P.S. Case No. 270 of 2021 registered for offences under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

At the very outset, learned counsel for the petitioner has offered to pay maintenance amount of Rs. 5,000/- (Rupees Five Thousand) per month to the informant.

Considered the submission of the parties.

In view of the fact that 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 application for 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 Sri Raju Kumar, learned Judicial Magistrate, 1st Class, Samastipur in connection with Patory P.S. Case No. 270 of 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 informant, 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, Samastipur in Maintenance Case No. 205 of 2021.

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



that Maintenance Case No. 205 of 2021 has been filed in the Court of Principal Judge, Family Court, Samastipur, by the informant.

The petitioner shall appear in the maintenance case on 11th of February, 2022 and, thereafter, the Principal Judge, Family Court, Samastipur, 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, Samastipur.



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

(Sandeep Kumar, J)

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