

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70283 of 2021

Arising Out of PS. Case No.-4326 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

Rajeev Kumar Gupta, son of Sri Manohar Sah @ Manohar Manbohar Prasad Sah, Resident of Village - Ward no.08, Mohalla - Bakhir, P.S.- Bakhri, Distt.- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Smt Mamta Devi @ Mamta Gupta, W/o Rajeev Kumar Gupta, D/o Umesh Prasad Resident of Village - Mohalla - Chandmari Road, P.S.- Kankarbagh, P.O.- Lohiya Nagar, Town and Dist.- Patna, Pin Code 800020, At present C/o Umesh Prasad, Chai Nasta Dukaan Under Rupublic Hotel, Exhibition Road, P.S.- Gandhi Maidan, Town and dist.- Patna. Pin Code- 800001

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Anil Keshari, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the Opp. Party No. 2 :		Mr. Vishwa Mohan Kumar Sinha, 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 Complaint Case No. 4326 of 2019 registered for the offences under Sections 498-A, 323 and 379 of the Indian Penal Code.

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 Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No. 4326 of 2019, 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. 71 of 2021 in the Court of learned Principal Judge, Family Court, Patna.

The Principal Judge, Family Court, Patna, is directed to dispose of the aforesaid Maintenance Case No. 71 of 2021 within a period of three months from today.

The Principal Judge, Family Court, Patna, 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 *Rajnesh 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, Patna, through FAX or e-mail forthwith for its compliance.

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

