

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70998 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S. District- Bhojpur

Ashish Gupta S/o Kashi Prasad Gupta Resident of House No. 116B/2B,
Mohalla- Teliyar Ganj, P.S.- Shiv Kutti, District- Prayagraj (U.P.)

... .. Petitioner

Versus

1. The State of Bihar
2. Swarnika W/o Ashish Gupta, D/o Shiv Kumar Prasad R/o Mohalla- Bank Colony, Vishnu Nagar, Anaith, P.S.- Ara Nawada, District- Ara at Bhojpur (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

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.

The petitioner seeks anticipatory bail in connection with Ara Mahila P.S. Case No. 11 of 2021 registered for the offences under Sections 223, 379, 498A, 504/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Petitioner is the husband of the opposite party no. 2. It has been submitted by the learned counsel for the petitioner that the allegations are false and girl who has created all the trouble and with regard to which annexure-2 has been filed by the parents of the petitioner.

Learned counsel for the opposite party no. 2 submits that she has been tortured by the entire family members and



false evidence she is being created by the other side to show that they are not torturing the opposite party no. 2.

It has also been submitted by learned counsel for the opposite party no. 2 that the petitioner is a Assistant Manager working in Bank of Baroda where, as the learned counsel for the petitioner submit that he is a clerk working in Bank of Baroda and at the moment he is getting Rs. 37,000/- net in hand as salary. The marriage is of 2019.

Considering the above and the fact that the maintenance case no. 10 of 2021 is pending in the court of Principal Judge, Family Court Ara, this application for anticipatory bail is allowed.

Let the petitioners, above named, in the event of his arrest/surrender within four 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Mahila P.S Case No. 11/2021, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The Principal Judge, Family Court Ara is directed to dispose of the maintenance case within three months from



today. The petitioner shall appear in the Court of Principal Judge, Ara on the date fixed in the case and thereafter the Principal Judge will proceed with the maintenance case expeditiously so that it may be decided within three months. The Principal Judge, will proceed with the case if either of the parties do not co-operate in the case.

During the pendency of maintenance case the petitioner shall pay Rs. 10,000/- per month to the opposite party no.2 as interim maintenance which shall be subject to the final result of the case. The maintenance case shall be decided in the light of the law laid down by the Hon'ble Supreme Court in the case of **Rajnish Vs. Neha** reported in **(2021) 2 SCC 324**.

The maintenance amount shall be transferred in the bank account of the opposite party no. 2 each month by the petitioner. Any default in the transfer of the Rs. 10,000/ will result in cancellation of bail bond if the petitioner. If opposite party no. 2 does not disclose her bank account to the petitioner or his Advocate, the amount shall be deposited in court below which shall withdrawn by opposite party no. 2.

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(Sandeep Kumar, J)

