

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71625 of 2019

Arising Out of PS. Case No.-890 Year-2016 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Mukesh Kumar Son of Muni Bhagat Resident of Village- Chanda, P.S.-
Shikarhatta, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neelam Pal Wife of Mukesh Kumar R/O Mohalla- Pakari, P.O. and P.S.- Ara
Nawada, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajendra Nath Sinha, Advocate
For the Opposite Party	:	Mrs. Anita Kumari, APP
For Opp. Party No.2	:	Mr. Sangeet Deokuliar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 05-04-2022 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no.2.

The petitioner apprehends his arrest in connection
with Complaint Case No.890 (C) of 2016 for offences under
Sections 498A, 323 and 341/34 of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

Petitioner is the husband of opposite party no.2. It
seems that the marriage has broken down. There is a direction of
learned Principal Judge, Family Court, Bhojpur at Ara for
payment of maintenance of Rs.8000/- per month to the opposite
party no.2 from 28.03.2018.

Learned counsel for the petitioner submits that the



petitioner is paying maintenance amount regularly which is denied by the opposite party no. 2. It is also submitted by opposite party no. 2 that the petitioner has remarried with another lady.

Considering the submissions of the parties and considering the dispute between the parties, this application for anticipatory bail is allowed in view of the law laid down by the Apex Court in the case of *Arnesh Kumar V State Of Bihar* reported in (2014) 8 SCC 273.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No.890 (C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The amount of rupees eight thousand shall be transferred by the petitioner in the bank account of the opposite party no.2 by 15th day of each month. Details of the bank account shall be furnished by the opposite party no.2 to the petitioner. The court below will grant sufficient time to the



petitioner to pay the arrears of maintenance amount to the opposite party no. 2.

It is made clear that bail bond of the petitioner shall be accepted by the court below if the petitioner produces evidence before the court below to the effect that he has been regularly paying the maintenance amount to the opposite party no.2. Any default in payment of the maintenance amount shall result in cancellation of the bail bond of the petitioner.

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

(Sandeep Kumar, J)

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