

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5265 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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BAIJU LAL THAKUR @ BAIJU LAL KUMAR S/o Sri Chandra Thakur R/o
village- Rupauli Tole Dhanushi, Bhaluahan, P.S.- Dumri, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Kumari W/o Baiju Lal Thakur @ Baiju Lal Kumar, D/o Nand Lal Thakur R/o village- Rupauli Tole Dhanushi, Bhaluahan, P.S.- Dumri, District- Sitamarhi, Presently residing at Village- Madhurapur, P.S.- Bajpatti, District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and learned counsel for the opposite party No. 2 including learned Additional Public Prosecutor for the State through video conferencing.

The petitioner apprehends his arrest in connection with Complaint Case No. C1-127/2021 registered for the offences punishable under Sections 498-A of the Indian Penal Code.

At the very outset, learned counsel for the petitioner has offered to pay a maintenance amount of Rs. 5,000/- (Rupees Five Thousand) per month to the opposite party No. 2.



Considered the submission of the parties.

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 273, the prayer of the petitioner for grant of 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 learned J.M. 1st Class, Sitamarhi, in connection with Complaint Case No. C1-127/2021, 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 opposite party No. 2, his bail bond is liable to be cancelled. Payment of Rs. 5000/- per month to the opposite party No. 2 shall be subject to the final outcome of the maintenance case.

The aforesaid maintenance amount shall be



transferred by the petitioner in the bank account of 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.

It has been submitted jointly by the counsel for the parties that Maintenance Case No. 33 of 2021 has been filed in the Court of Principal Judge, Family Court, Sitamarhi by the opposite party No. 2.

The petitioner shall appear in the maintenance case on 21st of February, 2022 and, thereafter, the Principal Judge, Sitamarhi, 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.

Put up this case on 17.05.2022 for considering the compliance report by Principal Judge, Sitamarhi.

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

(Sandeep Kumar, J)

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