

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12173 of 2023

Arising Out of PS. Case No.-58 Year-2014 Thana- SALAIYA District- Aurangabad

HIRALAL PRAJAPAT @ HIRALAL PRAJAPATI S/o Suresh Prajapat R/o
village- Korap, P.S.- Anti, Distt- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bajanti Devi W/o Hiralal Prajapat @ Hiralal Prapati R/o Village- Korap,
P.S.- Anti, Distt- Gaya. At present - D/o Munshi Prajapat, R/o Village- Chei,
P.S.- Salaiya, Distt- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mukul Kumari
For the Opposite Party/s :	Mr.Satyendra Prasad
	Mr.Radha Krishna
	Mr.Shankar Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 04-04-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The petitioner seeks bail in anticipation of his
arrest in Salaiya P. S. Case No.58 of 2014 (Complaint Case
No.78 of 2013) registered for the offences punishable under
Sections 498(A) and 34 of the Indian Penal Code.

3. The learned counsel for the op submits that the case
was referred for mediation, but then, the petitioner never
appeared. It is further submitted that instant F.I.R. was instituted
on 25.11.2014 and the petitioner at his leisure has moved this



Court seeking anticipatory bail on 20.02.2023, which amply demonstrates that he has scant regard for the law. It is also submitted that the opposite party no.2 along with the child is staying apart from the petitioner since 2014 and the petitioner has never cared to maintain the opposite party no.2 and the child nor paid any maintenance amount rather left the opposite party no.2 and the child in lurch, when the petitioner works in a factory at Surat.

4. It is further submitted that the learned Principal Judge, Family Court, Aurangabad by order dated 15.07.2015 in Maintenance Case No.58 of 2015 had directed for payment of Rs.4,000/- by way of maintenance to the opposite party no.2 herein, but the said amount also till date has not been paid. It is next submitted that though the order was ex parte, but then, all steps were taken for the appearance of the petitioner, but he chose not to appear and contest. It is also submitted that the order of the learned Family Court was communicated by the opposite party no.2 to the petitioner, but then, also he did not pay the maintenance amount, which amply demonstrates his conduct.

5. The learned counsel for the petitioner submits that the petitioner is not in a position to rebut the submission of the



learned counsel appearing on behalf of the opposite party no.2, that petitioner at his leisure has approached this Court seeking anticipatory bail and in these ten years never paid maintenance amount to the opposite party no.2 and the child.

6. Considering the submissions made by the learned counsel appearing on behalf of the opposite party no.2, the Court is not inclined to extend the privilege of anticipatory bail application to the petitioner.

7. Accordingly, the prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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