

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76325 of 2023

Arising Out of PS. Case No.-99 Year-2019 Thana- MAHILA PS District- Darbhanga

Manish Ranjan Jha S/O Vijay Kumar Jha R/O Village- Mahathwar, P.S-
Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Soni Kumari W/O Manish Ranjan Jha, D/O Gandhi Thakur R/O Village-
Kaurthu, P.S- Ghanshyampur, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar Singh
For the Opposite Party/s :	Mr. Jharkhandi Upadhyay, APP
	Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 28-06-2024 Heard the learned counsel for the petitioner and

learned counsel for the State.

2. The petitioner apprehends his arrest in the present case registered for offences under Sections 323, 498(A), 504/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, due to non-fulfillment of demand of dowry, the petitioner is alleged to have tortured the informant and ousted from the matrimonial house.

4. Earlier in court the petitioner had given an undertaking that he will keep his wife and child with all dignity and care, he took them to Rajasthan but he has failed to do so



and violated the undertaking.

5. It appears that the undertaking was given only with a purpose to get interim protection. The wife and the daughter are also appearing in this court. When this Court interacted with the daughter aged about eight years, she has said that the father used to misbehave with her mother and she wants to stay with her mother at the house of her *Nana* and *Nani*.

6. The Principal Judge, Family Court, Darbhanga vide order dated 30.01.2023 passed in Matrimonial Case No. 275 of 2019 has directed the petitioner to pay ad interim maintenance Rs. 15,000/- (Rupees Fifteen Thousand) to the wife and child from the date of filing ad-interim maintenance petition i.e. from 30.08.2022.

7. Considering the law laid down by the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs State of Bihar; (2014) 8 SCC 273*, I have no option but to grant anticipatory bail to the petitioner.

8. Accordingly, let the petitioner, above-named, in the event of his arrest or surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M.,



Darbhangha/concerned court below in connection with Darbhanga Mahila P.S. Case No. 99 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and also subject to the following conditions:-

8(i). The bail bond of the petitioner shall be accepted only after when the petitioner starts making the payment of the monthly maintenance as directed by the Principal Judge, Family Court, Darbhanga on 30.01.2023;

8(ii). The petitioner shall be released on interim bail of three months. The petitioner will thereafter pay the entire arrears of interim maintenance from 30.01.2023 within three months and thereafter, the bail of the petitioner shall be confirmed. In case the petitioner fails to do so, his bail shall not be confirmed.

9. The Managing Director of Baroda Rajasthan Kshetriya Gramin Bank, Ajmer is directed to deduct the maintenance amount from the salary of the petitioner and transfer the same into the account of wife namely *Soni Kumari* whose bank details are mentioned herein below:-

Account Holder name:- Soni Kumari

A/c No- 42528689850

IFSC Code- SBIN0003532

Branch Name:- State Bank of India, Benipur, Darbhanga.

10. The Principal Judge, Family Court, Darbhanga while considering the maintenance application for final disposal shall consider the law laid down by the Hon'ble Supreme Court in the case of Rajenesh V/s Neha; (2021) 2 SCC 324 and also



consider the salary of the petitioner which has been admitted to be around 54,000/-.

11. This application is thus, allowed with the aforesaid observations and directions.

12. The Principal Judge, Family Court, Darbhanga is also directed to dispose off the maintenance application finally within three months of communication of this order. He will proceed ex-parte against the non-cooperating party.

13. The petitioner will also cooperate in the disposal of the criminal case.

14. The household goods etc., belonging to the informant and her daughter shall be returned by the petitioner. Any objection with regard to the return will dis-entitle the petitioner from being released on anticipatory bail.

15. Let a copy of this order be communicated to the Principal Judge, Family Court, Darbhanga through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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