

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17724 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -MAHILA P.S. District- SAHARSA

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1. Ramanand Sah S/o Late Govind sah
2. Devkala Devi W/o Ramanand Sah
3. Ashutosh Kumar@Riky Sah s/o Ramanand Sah All Resident of Village - mahisarhoP.s Mahishi, Dist - Saharsa.

.... Petitioners

Versus

1. The State of Bihar
2. Reena Kumari D/o suraj Sah Resident of Village- Khonha P.s Bihra, Dist Saharsa.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. P.K.Chaurasia(App)

For the Informant : Mr. Subesh Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 30-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioners face prosecution for offence under sections 498A, 494, 313 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act and that the settlement of O.P.No.2 with the husband, namely, son of petitioners no. 1 and 2 is not possible for the present on account he having entered into second marriage with the consent of the petitioners, this Court was not inclined to grant privilege of anticipatory bail to any of the petitioners, who are immediate close relatives of the husband of O.P.No.2.

When such an observation has been made learned counsel for the petitioners has come out to say that till trial of the criminal

case pending against them is decided they would like to support O.P.No.2 by providing a sum of Rs.5,000/- per month for her maintenance.

Considering this offer this Court would deem it expedient in the ends of justice to save both the families from further deteriorating of their relationship and therefore, if the petitioners, namely, Ramanand Sah, Devkala Devi and Ashutosh Kumar @ Riky Sah, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Saharsa in Mahila P.S.Case No. 43/2014 (G.R.No. 3278), subject to the following conditions:

(i) That the petitioners shall deposit in the Bank account of O.P.No.2 a sum of Rs.5,000/- every month by 5th day of next successive month commencing from the month of July, 2015 till the end of the trial and failure to deposit of any single instalment shall be itself a good ground for cancellation of bail of all the petitioners.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors

will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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