

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41842 of 2014

Arising Out of PS.Case No. -14 Year- 2014 Thana -MAHILA THANA District- BEGUSARAI

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Manoj Thathera Son of Chandu Sah @ Chandu Thathera Resident of
Village- Govindpur Fatuha, P.S.- Fatuha, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pranaya Shanker Sinha

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-01-2015 Heard learned counsel for the parties.

The prayer for bail of the petitioner for offence under sections 494/ 498A of the Indian Penal Code was fit to be rejected keeping in view the torture which has been subjected not only to the first wife of the petitioner but also to the minor child but when an offer has been given by the learned counsel for the petitioner on behalf of the petitioner under taking to pay a sum of Rs.5,000/- per month for maintenance of the first wife and the child till conclusion of the trial, this Court keeping in view of betterment of the family including the petitioner as also the wife and the minor child and that there is also second wife in the life of the petitioner would direct the petitioner, Manoj Thathera, to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M.,

Begusarai in Begusarai Mahila P.S.Case No.14/2014(G.R.No. 612/2014), subject to the following conditions:

(i) The petitioner shall pay a sum of Rs.5,000/- per month in the trial court by every 5th of next month and such payment shall commence from the month of January, 2015 till end of the trial of the petitioner. It is made clear that such monthly deposited amount by the petitioner shall be paid to informant Rinku Devi and failure on the part of the petitioner to pay a single monthly installment shall automatically lead to cancellation of bail of the petitioner.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his 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 petitioner will give an undertaking that

he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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