

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18840 of 2015

Arising Out of PS. Case No. -794 Year- 13 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

=====

Jitendra Kumar Son of Veni Mandal, Resident of Village - Bhathi, P.O. -
Bhatora, P.S. - Hathauri, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sudha Kumari, D/o Ashok Kumar, Resident of Village - Rajaur, P.O. -
Rajaur Rambhadrapur, P.s. - Hathauri, District - Samastipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj
For the Opposite Party/s : Mr. Sakir Ahmad (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 494/498A & 323 of the Indian Penal Code and the admitted position that the complainant opposite party no.2 is the wife of the petitioner who stands neglected both on account of alleged demand of dowry as also presence of a second lady, namely, Mira Kumari, allegedly living with the petitioner as a wife, this Court would not find the petitioner entitled much less eligible for grant of anticipatory bail.

When such an observation has been made, learned counsel for the petitioner has come out to say that the petitioner is ready to support his wife, opposite party no.2 and the child out of

their marriage at least till the end of the trial of this case.

That being so, if the petitioner, namely, Jitendra Kumar, would surrender before the court below within a period of four weeks from today and gives a written undertaking to pay a sum of Rs. 6,000/- per month commencing from the month of June, 2015 till the end of the trial of the present complaint case, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Rosera, Samastipur in connection with C.R. No. 794 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) The payment of Rs. 6,000/- per month by way of bank draft and/or bank deposit in the account of the opposite party no.2 must be made by every 5th of the next month and failure to deposit even a single installment within the prescribed time limit shall automatically entail consequence of cancellation of the bail of the petitioner.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iv) That the bailors shall also state on affidavit that they 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.

(v) That the petitioner will be well represented on each and every date in course 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.

(Mihir Kumar Jha, J)

Rishi/-

U		T	
---	--	---	--