

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18651 of 2015

Arising Out of PS.Case No. -189 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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AMIT RANJAN SINGH @ BHOLA SINGH @AMIT RANJAN KUMAR.
S/o Shambhunath Singh. Resident of village - Narhani, P.S.- Ekma, Distt.-
Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anju Devi. W/o Amit Ranjan Singh alias Bhola Singh @ Amit Ranjan
Kumar. Resident of village - Narhani, P.S.- Ekma, Distt.- Saran at Chapra,
at present address Suresh Kumar Singh, village - Nijam Chak, P.S.-
Dighwara, Distt.- Saran at Chapra.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Section-498A of the Indian Penal Code and the fact that the petitioner is the husband, who had already filed an application for divorce being Divorce Case No. 7 of 2014 before the Principal Judge, Family Court, Saran at Chapra on the ground of cruelty on 08.01.2014 well before filing of the present Complaint Case No. 189 of 2014 in the Court of Chief Judicial Magistrate, Saran at Chapra alleging offence under Section 498A of the Indian Penal Code against him by the Opposite Party



No. 2 on 17.01.2014, this Court would be inclined to grant the privilege of anticipatory bail to the petitioner subject to payment of Rs. 5000/- per month to Opposite Party No. 2, till the end of the trial and/or divorce case, whichever is earlier.

Let it be also made clear that the aforesaid sum of Rs. 5000/- per month by way of maintenance for the Opposite Party No. 2 is only tentative in nature and capable of being enhanced, if the Opposite Party No. 2, can prove before the Family Court that the petitioner has more means to pay even higher amount of maintenance pendent elite in terms of Section-24 of the Hindu Marriage Act.

That being so, if the petitioner namely, **Amit Ranjan Singh**, surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 5000/- per month for maintenance of his wife opposite party no.2, he shall 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

S.D.J.M., Saran at Chapra in connection with **Complaint Case No. 189 of 2014** vide **Tr. No. 2767 of 2014**, subject to the conditions laid down under Section-438 (2) Cr. P.C and also subject to the following conditions:-

(i) Such amount of Rs. 5000/- has to be deposited by the petitioner in the concerned Court where the criminal case is pending trial on month to month basis commencing from June 2015 by every fifth day of the next month and that amount shall be paid to the wife (Opposite Party No. 2) of the petitioner and failure to do so by the petitioner even for a single month would automatically entail the consequences of cancellation of his bail. The Court below shall also ensure the prompt payment of such monthly amount to the Opposite Party No. 2 in order to enable to maintain herself during the pendency of criminal trial and/or divorce case.

(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 his bail on the ground of misuse.

(iv) 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.

Before parting with this Court would also direct the concerned trial Court and the Family Court to dispose of the criminal case against the petitioner and the divorce case within a maximum period of two years from the date of receipt of a copy of this order.

Let a copy of this order be also sent not only to the trial Court but also to the Family Court, Saran at Chapra for its compliance in letter and spirit.

(Mihir Kumar Jha, J)

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