

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5977 of 2015

Arising Out of PS.Case No. -18 Year- 2014 Thana -BIRUPUR SAHAYAK District- LAKHISARAI

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Ranjeet Mahto S/O Anandi Mahto Resident of vill-Yejani Ghat,P.S-
Viranpur, Distt-Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2.Mamta Kumari W/O Ranjeet Mahto Resident of vill-Kosala,P.S-
Birupur,Distt-Lakhisarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Sharan Singh, Adv
For the Opposite Party/s : Mrs. Pushpa Sinha 2(App)
For the O.P. No. 2 : Mr. Harish Kumar, Adv, Mr. Raj Krishan
Jha, Adv and Mr. Arvind Kumar Mouar,
Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 07-09-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner facing prosecution for the offences punishable under Sections- 341, 323, 504, 379, 498(A) of the Indian Penal Code and Section-3/4 of the Dowry Prohibition Act, has submitted that the petitioner being employed at Delhi as mazdoor is not in a position to keep his Wife-Opposite Party No. 2 with him on account of his meagre monthly income at best being Rs. 6000/- per month and learned counsel for the petitioner has offered to pay a sum of Rs. 2500/- per



month for maintaining his Wife-Opposite Party No. 2 and his daughter living with Opposite Party No. 2, this Court in view of the stand taken by learned counsel for Opposite Party No. 2 that in absence of the petitioner at his village home, Opposite Party No. 2 will not be inclined to live with the parents of the petitioner, would find for the time being that the petitioner instead of offered amount of Rs. 2500/- should at least pay sum of Rs. 3000/- per month commencing from the month of September-2015, till the end of the trial.

That being so, if the petitioner namely, **Ranjeet Mahto**, surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 3000/- 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 **C.J.M. Lakhisarai** in connection with **Birpur P.S. Case No. 18 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. 3000/- per month has to be deposited by the petitioner in the bank account of Opposite Party No. 2, to be furnished by the Opposite Party No. 2 in the Court below, on month to month basis commencing from September 2015 and till the end of trial by every fifth day of the next month and failure to do so by the petitioner even for a single month would automatically entail the consequences of cancellation of his bail.

(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.

(Mihir Kumar Jha, J)

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