

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35448 of 2014

Arising Out of PS.Case No. -1230 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Roshan Mukhiya Son of Bucho Mukhiya Resident of village- Gaya Rahika,
P.S.- Falka, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi D/o Late Bindeshwari Mahaldar, Wife of Roshan Mukhiya
residnet of village- Gaya Rahika, P.S.- Falka, District- Katihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Sections- 498A/34 of the Indian Penal Code who is the husband and has created a situation in which neither his wife nor his one year child are being taken care by him, this court initially was not inclined to grant anticipatory bail to him, but then when learned counsel for the petitioner submits that for the time being till their relationship improves, the petitioner in order to show his bonafide for the purposes of grant of anticipatory bail would be prepared to maintain his wife and the one year old child and would be ready to pay Rs. 5000/- per month to his wife, Opposite Party No. 2, this court on a overall picture in the interest of justice would accept the

aforesaid offer because at the end of the day no useful purpose would be served by putting the petitioner behind the bars specially when the petitioner wants to atone himself by at least taking care of his wife and one year child with his financial support.

This Court would accordingly direct that if the petitioner namely, Roshan Mukhiya 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 commencing from the month of February 2015 and till the end of the trial 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., Katihar** in connection with **C.A. Case No. 1230 of 2013**, 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/- shall be deposited by the petitioner in the Court below on month to month basis commencing from February 2015 and till the end of trial by every fifth day of the



next month without fail 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.

(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.

(v) The petitioner will give an undertaking that he shall remain present on the date fixed for charge and if he fails to do so on two given dates and/or delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(vi) 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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