

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36352 of 2014

Arising Out of PS.Case No. -2584 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Rakesh Kumar Singh S/o Bishambhar Singh Resident of Village Kaparipur,
P.S. Basantpur, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruby Devi D/o Mithilesh Singh Resident of Amar Chapra, P.S. Chapra
Muffasil, District Saran (Chapra).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner is the husband who faces allegation for offence under Section 498(A) of the Indian Penal Code and Section 3 of the Dowry Prohibition Act and has also the cheek of calling his wife as characterless on which ground he has refused to keep his wife with him, he definitely would not be entitled to grant of anticipatory bail but then learned counsel for the petitioner comes out with an offer that till the matter is settled in the criminal court or before the appropriate forum/court, he will be ready to pay a sum of Rs. 5,000/- per month for maintaining his wife.

That being so, if the petitioner namely Rakesh Kumar



Singh surrenders before the court below within a period of four weeks from today, 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 Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 2584 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to the following conditions namely:-

- (i). That the petitioner shall not only give a written undertaking to pay a sum of Rs. 5000/- per month to Ruby Devi, the opposite party no. 2 his complainant wife till the end of trial but shall also start paying Rs. 5,000/- from the month of February, 2015 by depositing the said amount in the court below by every 5th of the next month which in turn shall be paid to complainant Ruby Devi on month to month basis till the conclusion of the trial. It is, however, made clear that if the petitioner makes even a single default in making such monthly payment for maintaining his wife, the privilege of bail being granted to him in this order shall automatically stand withdrawn.
- (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)

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