

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38638 of 2014

Arising Out of PS.Case No. -67 Year- 2014 Thana -BELA District- SITAMARHI

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Santosh Mahto @ Santosh Kumar son of Gobind Mahto Resident of Village
- Bahuarwa, P.S. - Bela, District - Sitamarhi. Petitioner

Versus

1. The State of Bihar
 2. Usha Kumari, D/o Sri Rambir Mahto, resident of village Bahuarawa,
P.S. Bela, District Sitamarhi Opposite Party
- =====

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Indu Bala Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 31-03-2015 Heard learned counsel for the parties as also the petitioner
and O.P.No.2 who have appeared in person pursuant to an earlier
order of this Court dated 13.3.2015, relevant portion whereof
reads as follows:-

".....Learned counsel for the petitioner has
submitted that his wife Usha Kumari had, in her
statement under section 164 of the Cr.P.C. had not only
disclosed her age to be 20 years, but also had said to
have married the petitioner voluntarily.

This part of submission of learned counsel for the
petitioner has been immediately sought to be
controverted by the learned counsel for the informant,
the father of Usha Kumari, who has taken a stand that
Usha Kumari was put under threat and coercion by the
petitioner and in fact has been shabbily and badly
treated by the petitioner as a result whereof, Usha
Kumari herself has filed Bela P.S.Case No. 08 of 2015
against the petitioner as well as his other family

members who have been made accused for offence under Sections 147, 149, 341, 323, 379, 493, 504 and 506 of the Indian Penal Code with an allegation of torturing and humiliating the opposite party no. 2.

In that view of the matter, as either of the party is not coming out with the correct version, this Court would deem it expedient in the ends of justice to direct for personal appearance of the petitioner and the O.P. No. 2, Usha Kumari, on 31st March 2015 at 4:15 PM in Chamber....."

Having however regard to the stand of the parties wherein though the petitioner wants to restore his relationship with O.P.No.2 as a duly wedded husband and wife but O.P.No.2 does not want to live with the petitioner, this Court is of the opinion that the petitioner would be entitled for grant of anticipatory bail specially when he has also assured this Court that neither he nor his family members will act in vengeance on account of O.P.No.2 refusing to live with the petitioner.

That being so, if the petitioner, Santosh Mahto @ Santosh Kumar, surrenders in 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 the Chief Judicial Magistrate, Sitamarhi in Bela P.S.Case No. 67/2014, subject to the following conditions:



(i). The petitioner shall give a written undertaking in the court below that neither he nor his family members will not in any way disturb/ coerce/ do anything harmful to O.P.No.2 and/or her family members and if a complaint to this effect is made by O.P.No.2 in the court below his bail bond would be liable to be cancelled on enquiry and holding the petitioner and/or his family member to be guilty of causing breach of undertaking.

(ii). The petitioner on being released on bail by the court below as undertaken by him shall go back to his place of work at Bangalore/ Chennai where he is doing the job of a Tailor and in case he would return to his village home anytime during the pendency of trial he shall within 24 hours of his reaching the village home submit a written report to the Officer In-charge of Bela Police Station for the period he would remain in his village and also about the whereabouts and movements till he would remain in the village before again going back to his place of work.

(iii). 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.

(iv). 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.

(v). 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.

(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.

Surendra/-

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(Mihir Kumar Jha, J)