

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46912 of 2014

Arising Out of PS.Case No. -390 Year- 2013 Thana -COMPLAINT CASE District- KISANGANJ

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Rabnu Prasad Sinha S/o Kumer Chand Prasad Sinha Resident of Village
Kamalpur, P.S. Kochadhaman, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Arti Devi W/o Rabnu Prasad Sinha Village Kamalpur, P.S.
Kochadhaman, District Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rounak Kumar Singh "Pankaj", Adv

For the Opposite Party/s : Mr. S.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 19-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-498(A), 494/34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act and that the wife Opposite Party No. 2 has genuine reason of not living with the petitioner on account of the petitioner though being Hindu, getting allegedly married to another lady in the lifetime of the first wife i.e., Opposite Party No. 2, this Court was not inclined to grant the privilege of anticipatory bail to the petitioner.



Learned counsel for the petitioner in such circumstances has submitted that pending trial of the case, he (petitioner) will be ready to support Opposite Party No. 2 and the child born out of the wedlock by paying sum of Rs. 6000/- per month.

That being so, if the petitioner namely, **Rabnu Prasad Sinha**, surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 6000/- per month for maintenance of his wife opposite party no.2, commencing from the month of August 2015 till the end of 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 **Chief Judicial Magistrate, Kishanganj** in connection with **Complaint Case No. C390 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. 6000/- has to be



deposited by the petitioner in the bank account of the Opposite Party No. 2 to be furnished by her on month to month basis commencing from August 2015 and till the end of trial by every fifteenth (15th) 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 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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