

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47046 of 2014

Arising Out of PS.Case No. -781 Year- 2012 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Ayodhya Thakur son of Jamuna Thakur resident of village - Pindpahwa,
P.S. Pakribarawan, Distt. - Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Sihanta Devi wife of Ayodhya Thakur, D/o Sudama Thakur resident of
village - Simariya, P.S. Warisaliganj, Distt. - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner being the husband, faces allegation for offence under Section 498A of the Indian Penal Code and that the wife has a valid reason for not living with the petitioner inasmuch as it is said that the petitioner has again married another lady, this Court was not inclined grant privilege of anticipatory bail to the petitioner, but then learned counsel for the petitioner himself comes out with an offer that though the allegations against the petitioner are absolutely false but for the present if the wife, O.P. No. 2, is not prepared to live with the petitioner, as concilliation has also failed, he (the petitioner) would be ready to pay a sum of Rs. 4000/- per month to the O.P. No. 2 till the completion of the trial.

That being so, if the petitioner, namely, Ayodhya Thakur,

surrenders within a period a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Nawada, in connection with Complaint Case No. 781 of 2012, subject to the following condition:

(i) The monthly amount of Rs. 4000/- shall be deposited by the petitioner in the court below till the conclusion of trial by every 5th day of the next month commencing from the month of May, 2015 and on failure to deposit even a single monthly instalment by the petitioner, it will entail the automatic consequence of cancellation of his bail.

(ii) On deposit of Rs. 4000/- per month by the petitioner in the trial court, such amount shall be paid to his wife, the complainant, O.P. NO. 2, and she will have a right to also bring to the notice of trial court as with regard to default of any payment in the monthly instalment by the petitioner.

(iii) 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.



- (iv) 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.
- (v) 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.
- (vi) 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)

Sujit/-

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