

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12875 of 2015

Arising Out of PS.Case No. -147 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Mazhar Ansari Son of Abdulla Ansari, Resident of Barharva Parte
Mohammad Tola, P.s.- Kundwa Chainpur, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar

2. Nurun Nesha wife of Mazhar Ansari, C/o Jalil Ansari, presently residing
at village Pipra Pachhimwari Tola, P.s. Darpa, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 05-10-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 498A of the Indian Penal Code and the fact that the petitioner is the husband, this Court keeping in view of the injury inflicted on the complainant, who has also a son aged about six years from the said marriage, was not inclined to grant privilege of anticipatory bail, specially when learned counsel for the petitioner has out rightly rejected the offer of the complainant- O.P.No.2 to live with the petitioner on the ground that a divorce under personal law has taken effect.

Faced with this situation Mr. Srinandan Singh, learned counsel for the petitioner, offers to pay a sum of Rs.8,000/- per month to the complainant- O.P.No.2 for her maintenance till the

final outcome of the pending trial in the present complaint case.

That being so, if the petitioner, Mazhar Ansari, surrenders before the court below within a period of four weeks from today and gives an undertaking to pay a sum of Rs.8,000/- in the Bank account of O.P.No.2 to be furnished by her in the court below by every 5th of next month commencing from the month of October, 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 Judicial Magistrate, 1st Class, Raxaul at Motihari in Complaint Case No. 147C/2012, subject to the following conditions:

(i) 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.

(ii) 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.

(iii) 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)

surendra/-

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