

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30319 of 2014

Arising Out of PS.Case No. -1498 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Md. Salamuddin Son of Najamuddin Ansari resident of village- Hussaini Naya Tola, P.S.- Dumariya Ghat, District- East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar
2. Shayista Parween Wife of Md. Salamuddin, D/o Md. Izhar Hussain resident of village- Hussaini Naya Tola, P.S.- Dumariya Ghat, District- East Champaran (Motihari), At Present resident of village- Kesariya, P.S.- Kesariya, Dist.- East Champaran

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections- 498A and 120(B) of the Indian Penal Code and Section-3/4 of the Dowry Prohibition Act and the fact that the petitioner is the husband who not only has allegedly given both mental and physical torture to his wife, he cannot expect the privilege of anticipatory bail unless he is prepared to pay sum of Rs. 5000/- per month for maintenance of his wife –Opposite Party No. 2.

Thus, if the petitioner namely, Salamuddin surrenders within a period of four weeks from today and



give a written undertaking for payment of Rs. 5000/- per month for maintenance of his wife, 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 **S.D.J.M. Sadar Motihari** in connection with **complaint case no. C 1498/2012 (Tr. No. 3375 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. 5000/- has to be deposited by the petitioner in the concerned Court on month to month basis from the month of January 2015 by every fifth day of the next month and that amount shall be paid to the wife (Opposite Party No. 2) of the petitioner and failure to do so by him 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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