

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36353 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Chandan Kumar Yadav S/o Sri Sudarsan Singh Resident of Village Deoria,
P.O. Pahleja, P.S. Akaurigola, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Devi W/o Chandan Kumar Yadav, D/o Desantar Singh Resident of Village Deoria, P.O. Pahleja, P.S. Akaurigola, District Rohtas, at present residing at Makrain, P.O. AND P.S. Dalmianagar, District Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.
For the Opposite Party/s : M/s Pushpa Sinha-II(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 323, 341, 406, 498A of the Indian Penal Code against petitioner and the aspect that Kavita Devi the complainant wife of the petitioner is not prepared to live with the petitioner on account of his alleged second wife being the cause of conflict and the resultant apprehension on the life of Kavita Devi, while this Court was not inclined to grant anticipatory bail to the petitioner, Mr. Vikramdeo Singh, learned counsel for the petitioner, comes out with an offer that for the time being the petitioner shall pay a sum of Rs. 5,000/- per month to Kavita Devi for maintaining her till conclusion of the trial.



Considering the aforesaid aspect, this Court would direct that if the petitioner, namely, Chandan Kumar Yadav surrenders before the court below within a period of four weeks from today, the court below shall grant bail to the petitioner on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Dehri, Rohtas in connection with Complaint Case No. 38(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to the following conditions namely:-

- (i) That the petitioner shall not only give a written undertaking to pay a sum of Rs. 5000/- per month to Kavita Devi, the opposite party no. 2, his complainant wife, till the end of trial but shall also start paying Rs. 5,000/- from the month of February, 2015 by depositing the said amount in the court below by every 5th of the next month which in turn shall be paid to complainant Kavita Devi on month to month basis till the conclusion of the trial. It is, however, made clear that if the petitioner makes even a single default in making such monthly payment for maintaining his wife, the privilege of bail being granted to him in this order shall automatically stand withdrawn.

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- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.

Rishi/-

(Mihir Kumar Jha, J)

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