

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36461 of 2014

Arising Out of PS.Case No. -2021 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Vikash Prasad S/o Ganesh Prasad Resident of Village Pachpherva, P.S. Brahampur, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neha Devi W/o Vikash Prasad, D/o Rameshwar Sah Resident of Village Pachpherva, P.S. Brahampur, District Buxar, at present residing at Village Gundi Sariya Bazar, P.S. Krishnagarh (Barhara), District Bhojpur.

.... Opposite Party/s

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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 admitted position that the petitioner is facing prosecution for the offences punishable under Sections-323, 498A, 504 and 34 of the Indian Penal Code and Sections-3 and 4 of the Dowry Prohibition Act, wherein, cognizance has now been taken under Section-498A of the Indian Penal Code and that such complaint case was filed after the petitioner has filed Matrimonial Case No. 167 of 2012 on 29.08.2012, wherein, his wife-opposite party had appeared also on 12.10.2012, this Court would be

inclined to grant the privilege of anticipatory bail of the petitioner.

That being so, if the petitioner, namely, Vikash Prasad surrenders within a period of four weeks from today, he would be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Sub Divisional Judicial Magistrate, Bhojpur at Ara** in connection with **Complaint Case No. 2021 (C) of 2012** being **T.R. 3797 of 2012** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be 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 give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons 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.

Ranjan/-

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(Mihir Kumar Jha, J)