

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36775 of 2014

Arising Out of PS.Case No. -1072 Year- 2010 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Gopal Prasad Sah Son of Ramanand Sah Resident of village- Jharokhar
Pokhra, Police Station- Jharokhar, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha
For the Opposite Party/s : Mr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 323, 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act, it was the petitioner who had earlier filed an application for restitution of the conjugal right under Section 9 of the Hindu Marriage Act, whereafter, a complaint was filed by his wife and that in the matrimonial case, the wife, having appeared in the court of Principal Judge, Family Court, East Champaran, Motihari, did not contest the matter despite being given time to file written statement of defence, this Court would find the petitioner to be entitled for grant of privilege of anticipatory bail.

That being so, if the petitioner, namely, Gopal Prasad



Sah, surrenders before the court below within a period of four weeks from today, 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 Sub-Divisional Judicial Magistrate, Sikrahna at Motihari in connection with Complaint Case No. C-1072 of 2010 (Tr. No. 841 of 2014), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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)

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