

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11895 of 2015

Arising Out of PS.Case No. -570 Year- 2013 Thana -PHULWARI District- PATNA

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Sanjay Kumar Chaudhary S/o - Late Amar Kant Chaudhary, Resident of
Mohalla - Raghunath Tola, Anishabad, P.S. - Gardanibagh, Distt. - Patna.

.... Petitioner

Versus

1. The State of Bihar

2. Shila Kumari D/o - Pramod Chaudhary, Resident of Village -
Murgiyachak, P.S. - Janipur, Distt. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 13-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 494, 495, 498A/34, 341, 323 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act against the petitioner and the fact that there was a relationship between the petitioner and O.P.No.2 which has given O.P.No.2 to believe that she was a duly wedded wife but then the petitioner has come out with a defence that he was already married and therefore, there would be no recognition of the alleged marriage of O.P.No.2 with the petitioner in the eye of law, this Court having regard to the affidavit sworn by the petitioner on 11.1.2012 stating about the factum of marriage with O.P.No.2 and not mentioning about the earlier marriage was prima facie not convinced with such defence much less inclined to grant privilege of anticipatory bail to the

petitioner.

Mr. Krishna Prasad Singh, learned Senior counsel for the petitioner, however, comes out to say that the petitioner for the time being till the trial concludes would be prepared to support O.P.No.2 by way of payment of Rs.7,000/- per month awaiting the result of the trial.

Considering this aspect that the life of two ladies with the petitioner is involved and no gainful purpose will be served if the petitioner, a Constable, is sent to jail, this Court would direct that if the petitioner, Sanjay Kumar Chaudhary, surrenders before the court below within a period of four weeks from today and gives a written undertaking to pay Rs.7,000/- per month to O.P.No.2 by way of depositing the said amount every month commencing from the month of August, 2015 by every 5th day of the next month and till 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 Sri Jyoti Prakash, Judicial Magistrate, 1st Class, Patna in Phulwari (Janipur) P.S.Case No. 570/2013, subject to the following conditions:

- (i) That O.P.No.2 shall communicate her Bank account number in the court below and in the Bank account the amount of Rs.7,000/- in the manner indicated above

shall be paid for the month of August, 2015 onwards till the end of the trial. It goes without saying that if there is any default in payment of the amount, his bail will be liable to be cancelled.

(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)

surendra/-

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