

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18557 of 2015**

Arising Out of PS.Case No. -19 Year- 2014 Thana -MAHILA P.S. District- MUNGER

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Subodh Kumar Sahil son of Sri Ram Prasad Singh resident of village  
Sitarampur Nazira No. 1, Kumarpur, P.S. Bariarpur, Distt. Munger.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

2      16-06-2015      Heard learned counsel for the parties.

Learned counsel for the petitioner prays for and  
is allowed to implead Reena Bharti, wife of the  
petitioner as Opposite Party No. 2.

Having regard to the nature of allegation against  
the petitioner for the offence punishable under Sections-  
498A of the Indian Penal Code and the dubious past  
which has been alleged against the petitioner, this Court  
is of the considered view that marriage of the petitioner  
for the time being is in trouble waters. The plea of  
learned counsel for the petitioner that the petitioner  
wants this marriage to be sustained and that is why he  
has filed an application for restitution of conjugal rights



could have appealed to this Court and in fact also weighed upon in granting the privilege of anticipatory bail, had the petitioner maintained the high standard which a husband is expected even in a case of dispute in matrimonial life. Here in the present case the materials found by the police in course of investigation do indicate certain developments which any wife would not bear and at least be comfortable in continuing with the marriage. Whether such allegation against the petitioner of having extra marital relationship is correct or not, in fact can be gone into only at the stage of trial. The only factor which would weigh upon this Court to grant the privilege of anticipatory bail to the petitioner would be that after he had filed the application for restitution of conjugal rights on 04.08.2014, the present case has been filed by Opposite Party No. 2 on 13.11.2014 alleging offence under Section-498A of the Indian Penal Code.

Under such circumstances, this Court for the time

being, to give last chance for survival of the marriage of the petitioner, would deem it expedient in the ends of justice to direct the petitioner to pay sum of Rs. 5000/- per month as maintenance till the conclusion of the trial.

That being so, if the petitioner namely, **Subodh Kumar Sahil**, surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 5000/- per month for maintenance of his wife opposite party no.2, 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, Munger** in connection with **Mahila P.S. Case No. 19 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) The petitioner must pay sum of Rs. 5000/- per month in the bank account of Opposite Party No. 2 to be furnished by the Opposite Party No. 2 to the Court below within 15 days from the date of receipt of this order and such payment must be made by every fifth of the next month without



fail. Such amount of Rs. 5000/- has to be deposited by the petitioner in the Bank account of Opposite Party No. 2 on month to month basis commencing from June 2015 by every fifth day of the next month and failure to do so by the petitioner 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 his bail on the ground of misuse.

(iv) 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.

(v) 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)

Ranjan/-  
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