

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18809 of 2015**

Arising Out of PS.Case No. -436 Year- 2014 Thana -SARAN COMPLAINT CASE District-  
SARAN

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Hari Kishore Sao @ Hari Kishore Sah, son of Ram Chandra Sao, Resident  
of Village- Sikarpur, P.S.-Sonepur, District - Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Sony Devi, D/o Sri Dinanath Sao, Resident of Village - Anandpur, P.S.-  
Sonepur, Dist.- Saran.

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

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

2      18-06-2015      Heard learned counsel for the parties.

Having regard to the nature of allegation against  
the petitioner for the offences punishable under  
Sections-498A, 323, 504 and 354 of the Indian Penal  
Code and Section-3(4) of Dowry Prohibition Act and  
that the wife-Opposite Party No. 2 having appeared  
before the Court below has straightway refused to live  
with the petitioner on the ground that she was being  
continuously harassed by the petitioner, this Court  
would not be inclined to grant the privilege of  
anticipatory bail to the petitioner.



When such an observation has been made learned counsel for the petitioner want some way to settle the dispute and to show the bonafide of the petitioner that the petitioner also wants to support his wife for the time being till the trial is continuing, has offered sum of Rs. 1500/- per month for maintenance. According to this Court, this amount is absolutely low. As the petitioner claims to be working in a hotel, and would fix Rs. 3000/- per month to be paid to the Opposite Party No. 2 till the conclusion of the trial.

Thus if the petitioner, namely, **Hari Kishore Sao** surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 3000/- 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, Saran at Chapra** in

connection with **Complaint Case No. 436 of 2014**,  
subject to the conditions laid down under Section- 438  
(2) Cr. P.C and also subject to the following conditions:-

(i) Such amount of Rs. 3000/- has to be deposited by the petitioner in the Bank Account to be furnished by the wife-Opposite Party No. 2 within a period of 15 days from the date of receipt of this order 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 bailors 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)**



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