

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25277 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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Pramod Kumar son of Sumer Prasad, Resident of Village- Lahthan, P.S.-
Agion Bazar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Rani (Panchayat Teacher) wife of Pramod Kumar, At present
posted at Pipra Dih Prathmik Vidyalaya, Village- Lahthan, P.S.- Agion
Bazar, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv
For the Opposite Party/s : Mr. Ashraf Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 26-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-323, 498A/34 of the Indian Penal Code and Section-3/4 of the Dowry Prohibition Act, this Court taking into account the findings recorded by the Court below rejecting the prayer for anticipatory bail of the petitioner as also inhuman treatment given to the complainant-wife by the petitioner, was not inclined to grant the privilege of anticipatory bail.



Learned counsel for the petitioner, however, submits that though the petitioner is still ready to keep his Wife-Opposite Party No. 2, as well as the minor daughter, with all respect and dignity but it is the Wife-Opposite Party No. 2, who does not want to reside with him as she is working as a panchayat teacher, this Court would find such plea of the petitioner to be also not acceptable in presence of whatever has been alleged by her Wife-Opposite Party No.2, in relation to the petitioner having illicit relation with a family member and also she being subjected to physical and mental torture on account of opposing such illicit relationship.

In that view of the matter, this Court is not at all impressed with the submission of learned counsel for the petitioner that the petitioner is ready to keep his Wife-Opposite Party No. 2 with due care and dignity, inasmuch as, this Court finds more force in the stand taken by Wife-Opposite Party No. 2, that she has a genuine apprehension of threat to her life. She on



account of past experience has genuine apprehension of threat to her life and on this ground alone this Court was not inclined to grant the privilege of anticipatory bail to the petitioner.

When such an observation has been made, learned counsel for the petitioner comes out to say that the petitioner is ready to support his wife by paying sum of Rs. 5000 per month from the month of August-2015 till the end of the trial.

That being so, if the petitioner, namely, **Pramod Kumar** 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, Arrah** in connection **Bhojpur Mahila (Bhojpur) P.S. Case No. 13 of 2015**, 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. 5000/- has to be deposited by the petitioner in the bank account to be furnished by Wife-Opposite Party No. 2 on month to month basis commencing from August 2015 and till the end of his trial by every fifth day of the next month, and failure to do so, 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 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)

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