

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48020 of 2014

Arising Out of PS.Case No. -616 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Najreful son of late Md. Ayub, Resident of Village Jaijalla P.s. Azamnagar,
District Katihar.

.... Petitioner/s

Versus

1.State of Bihar.

2.Zaheda Khatoon, wife of Nazreful, d/o Md. Yasin resident of village
Jaijalla, P.S. Azamnagar, District katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 16-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner being husband is facing prosecution for the offences punishable under Sections-498A /34 of the Indian Penal Code, this Court keeping in view the allegation of torture on opposite party no. 2, the first wife is not inclined to grant the privilege of anticipatory bail to the petitioner specially when that such suffering of the first wife is partly also on account of the petitioner allegedly entering into second marriage.

When such an observation has been made, learned counsel for the petitioner comes out with an offer to

maintain his wife namely, complainant-Opposite Party No. 2, Zaheda Khatoon, by paying sum of Rs. 7000/- per month till the end of the trial.

Thus if the petitioner, namely, **Najreful** surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 7000/- 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 **S.D.J.M., Katihar** in connection **C.A. Case No. 616 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. 7000/- has to be deposited by the petitioner in the bank account to be furnished by the complainant-Opposite Party No. 2, on month to month basis commencing from July 2015 by every fifth day of the next month till the conclusion of the trial 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 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 of the petitioner 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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