

Arising Out of PS.Case No. -2326 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Dharamveer, Adv
For the Opposite Party No. 2 : Mr. Dharendra Kumar Singh, Adv
For the State : Mr. Jitendra Kr. Singh-1 APP

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Section-498A, 406/34 of the Indian Penal Code and that the petitioner is the husband, who has already been subjected to an order of payment of maintenance to the complainant Opposite Party No. 2, by the order of the family Court and has not paid such amount till date even after lapse of a period of two years approximately, this Court initially was not inclined to grant the privilege of

anticipatory bail to the petitioner.



Faced with this situation, learned counsel for the petitioner has submitted that the petitioner now is prepared to pay the entire amount of dues of maintenance as also make payment of current amount of maintenance on month to month basis as directed by the Court below. This Court in view of the aforesaid undertaking of the petitioner as also considering the facts and circumstances of this case including present condition of health of the petitioner, as may be found out from his papers of medical treatment as contained in Annexure-2 series, would direct that if the petitioner namely, **Vidya Lal Yadav**, surrenders within a period of four weeks from today and makes payment of entire upto arrears of maintenance as per the order of the Family Court, 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., Gopalganj** in connection with **Complaint**

Case No. 2326 of 2012 (Trial No. 4449/13) subject to the following additional conditions:-

(i) The petitioner shall religiously pay the amount of maintenance in each and every month as fixed by the Court below and in the event of default even for a single month would automatically become liable for cancellation of his bail being granted to him under this order.

(ii) That both the bailors will be 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 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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