

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43803 of 2014

Arising Out of PS.Case No. -144 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

=====

Bhola Sahni Son of Late Ram Sakal Sahni Resident of Village- Machha,
P.S.- Muffasil, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Anant Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 08-04-2015

Having regard to the fact that the bail application has been restored to its original file by a separate order passed in Cr. Misc. No. 11455 of 2015, this Court has also heard the learned counsel for the parties on merits.

The prayer for regular bail of the petitioner for offence under Section 498A of the Indian Penal Code is sought to be pressed by the learned counsel for the petitioner with a plea that the petitioner is prepared to keep the complainant/opposite party and the children, out of the marriage.

This Court would find that his such plea to be not tenable because at one point of time it is the petitioner, who has made an allegation that his wife had got married to another person namely Sri Prashad Sahni. This defence, therefore, has literally

spoilt the matrimonial life, which cannot now overcome only on account of remaining of the petitioner in jail, and now coming out with an offer to keep his wife and children with him.

In such a situation, when this Court initially was not inclined to grant him privilege of bail, yet another offer has been made by the learned counsel for the petitioner that till the trial is concluded the petitioner will be ready to extend financial support to his wife and the children in form of paying a sum of Rs. 5000/- per month, this Court would direct the petitioner, namely, Bhola Sahni to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari East Champaran, in connection with Complaint Case No. C-144 of 2011, subject to the following condition:

- (i) The monthly amount of Rs. 5000/- shall be deposited by the petitioner in the court below till the conclusion of trial by every 5th day of the next month commencing from the month of April, 2015 and on failure to deposit even a single monthly instalment by the petitioner, it will entail the automatic consequence of cancellation of his bail.

- 
- (ii) On deposit of Rs. 5000/- per month by the petitioner in the trial court such amount shall be paid to his wife, the complainant, Ruma Devi and she will have a right to also bring to the notice of trial court as with regard to default of any payment in the monthly instalment by the petitioner.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iv) 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.

- (v) That the petitioner will be well represented on each and every date in course 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)

Sujit/-

U			
---	--	--	--