

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30235 of 2014

Arising Out of PS.Case No. -1268 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

=====

Gautam Kumar @ Sunil Kumar Son of Late Lallu Ram, Resident of Village - Baraila, P.S. - Shivsagar, District - Rohtas at present Railway Awas No. 884(B) Shashtri Colony, Mugalsarai, P.S. - Mugalsarai, District - Chandauli (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar

2. Sandhya Devi Wife of Gautam Kumar @ Sunil Kumar R/Village - Professor Colony, Bhabua Ward No. 5, P.S. - Bhabua, District - Kaimur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party/s : Mr. Binod Kumar-II (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation levelled against the petitioner for offence under Section 498A of the Indian Penal Code when the wife, on account of her being allegedly subjected to physical and mental torture by the petitioner is not prepared to live together, the only way for the petitioner for getting privilege of anticipatory bail will be if he would pay a fixed monthly amount for maintaining his wife during the pendency of the trial.

In that view of the matter, if the petitioner would pay a sum of Rs. 5,000/- per month from the month of January, 2015, he shall have the privilege of anticipatory bail. This amount of Rs. 5,000/- will be deposited by the petitioner in the court below by

every 5th day of next month which thereafter shall be paid to his wife, the O.P. No. 2 Sandhya Devi and in case she is being paid Rs. 750/- per month as is being stated by the learned counsel for the petitioner, the amount of Rs. 750/- shall be also adjusted in the amount of Rs. 5000/- to be paid to the O.P. No. 2.

That being so, if the petitioner namely Gautam Kumar @ Sunil Kumar would surrender within a period of four weeks from today with a written undertaking to pay a sum of Rs. 5000/- per month to the complainant, the wife from the month of January 2015, by next 5th day of the month, he shall 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, Kaimur at Bhabhua in connection with Complaint Case No. 1268 of 2013, Tr. No. 2253 of 2014, subject to the following conditions:

- (i) The amount of Rs. 5000/- to be deposited by the petitioner in court below by every 5th day of the next month, shall be paid to his wife, the complainant Sandhya Devi and on failure to deposit even a single monthly instalment on the part of the petitioner, will entail the consequence of cancellation of his bail.
- (ii) That both of 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 she 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 her 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			
---	--	--	--