

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30314 of 2014

Arising Out of PS.Case No. -19 Year- 2012 Thana -MAHILA P.S. District- BHOJPUR

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Sri Krishna Kumar Upadhaya Son of Ram Deo Upadhaya Resident of
village- Deokuli, P.S.- Brahampur, Dist.- Buxar

.... Petitioner/s

Versus

1.The State of Bihar

2.Anu Devi @ Anita Devi, w/o Krishna Kumar Upadhaya vill-Mainpura
P.S. Ara Mufassil, District Bhojpur, Ara.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015

Heard learned counsel for the parties.

Learned counsel for the petitioner, prays for and
is allowed to implead Anu Devi @ Anita Devi as
opposite party no. 2 to this application.

Having regard to the nature of allegation against
the petitioner for the offences punishable under
Sections- 498A/34 of the Indian Penal Code and
Section-3/4 of the Dowry Prohibition Act and the
petitioner allegedly creating an untoward situation in
which the complainant-wife opposite party no.2 cannot
live with him under the same roof he can expect the
privilege of anticipatory bail only on if he is ready to
maintain his wife by paying sum of Rs. 5000/- per

month during the pendency of the trial.

Thus if the petitioner, namely, Krishna Kumar Upadhaya 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 **Chief Judicial Magistrate, Bhojpur, Ara** in connection **Bhojpur Mahila P.S. Case No. 19 of 2012**, 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 concerned Court on month to month basis commencing from January 2015 by every fifth day of the next month and that amount shall be paid to the wife (Opposite Party No. 2) of the petitioner and failure to do so by the petitioner 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)

Ranjan/-

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