

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30215 of 2014

Arising out of PS.Case No. -15 Year- 2014 Thana -MAHILA PS District- GOPALGANJ

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Mogal Mahto Son of Late Bindeshwari Mahto Resident of Village -
Nawada Parsauni, P.S. Uchakagaon, Dist.-Gopalganj

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, Advocate.

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015

Having heard learned counsel for the parties as also taking into account the allegation for offence under section 494 and 498A of the Indian Penal Code, this Court can grant anticipatory bail to the petitioner only if, now he having allegedly entered into a second marriage, is prepared to maintain his first wife, the informant of this case.

That being so, if the petitioner, namely, Mogal Mahto, 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 first wife, from the month of January 2015, by 5th day of the each of next 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 Sub Divisional Judicial Magistrate, Gopalganj in connection with Gopalganj

(Mahila) P. S. Case No. 15 of 2014, subject to the following conditions:

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- (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 informant namely Balwanti Devi and failure to deposit even a single monthly payment 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 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 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 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.
- (vi) 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/-

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