

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18540 of 2015

Arising Out of PS.Case No. -144 (C) Year- 2013 Thana -BEGUSARAI COMPLAINT CASE
District- BEGUSARAI

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Sikandar Sahu Son of Chandradeo Sahu Resident of Village- Pachamba,
P.S.- Muffasil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi W/o Sikandar Sahu, D/o Anandi Sah resident of Pachamba,
P.S.- Muffasil, Dist. Begusarai. At present resident of - Salona, P.S-
Bakhari, Dist. Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv
For the O.P. No. 1 : Mr. Abhay Kumar Rai (APP)
For the O.P. No. 2 : Mr. Amresh Kr Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 01-09-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Section-498A of the Indian Penal Code, when this Court would find that the petitioner now cannot live with the Wife- Opposite Party No. 2, because he now after his marriage came to know that Opposite Party No. 2, was already married before getting married to the petitioner, this Court would find that the statement given before this Court by keeping Opposite Party No. 2, with due respect



and dignity is a mere pretence. The fact remains that Opposite Party No. 2, has appeared through her counsel and she still wants to live with the petitioner, but then this Court taking into account the attitude of the petitioner of not only assailing the character of Opposite Party No. 2, but also making false pretence of living with Opposite Party No. 2, would not be inclined to grant the privilege of anticipatory bail to the petitioner.

In such a situation, if the petitioner wants the privilege of anticipatory bail, he must support the Opposite Party No. 2, who is also having a daughter from the marriage with the petitioner.

Learned counsel for the Opposite Party No. 2, says that the petitioner is having a shop and thus having some means to sustain her and his family members.

In such a situation, if the Opposite Party No. 2 is prepared to live with the petitioner and petitioner also wants to keep the Opposite Party No. 2, this Court would direct that if the petitioner namely, **Sikandar**



Sahu surrenders with a period of four weeks from today and gives a written undertaking that he would keep his Wife-Opposite Party No. 2, with all respect and dignity, and is also ready to take care of the daughter born out of the said marriage with Opposite Party No. 2, he would be released on provisional bail for a period of one month on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Judicial Magistrate, 1st Class, Begusarai** in connection with **Complaint Case No. 144(C) of 2013** on the following terms and conditions:-

(i) The petitioner on being granted provisional bail shall immediately take his wife Opposite Party No. 2 along with the daughter to his place of abode and keep her with due care and dignity. This information shall be given by the petitioner in writing before the Court below. If the petitioner does not take his Wife-Opposite Party No. 2, along with him, within a period of one month from the date of his being granted provisional bail, his provisional bail shall automatically stand cancelled and he should be



taken into custody. If on the other hand, the Court below after making inquiry from the Wife-Opposite Party No. 3, finds that she is living with the petitioner, the provisional bail of the petitioner shall be extended for a period of four weeks.

(ii) After expiry of period of four weeks the petitioner and Wife-Opposite Party No. 2, shall again appear before the Court below and the trial Court will make inquiry from Wife-Opposite Party No. 3, and on finding that she was not subjected to any further cruelty, mental or physical by her husband or his family members, the provisional bail of the petitioner shall be extended, now again for a period of four weeks.

(iii) This successive exercise of appearance of petitioner with his Wife-Opposite Party No. 2, after a period of four weeks, before the court below and making enquiry of well being of opposite party no. 2 shall continue for a period of two years and if the Court below during such inquiry from the Wife-Opposite Party No. 2, would find that her relationship with the petitioner has normalized and the petitioner also has no longer any grievance against Wife-Opposite Party No. 2 on account of her being allegedly earlier married and he is prepared to live a decent life

with the Opposite Party No. 2, his provisional bail on completion of period of two years shall be confirmed.

(iv) It is also made clear that if the Wife-Opposite Party No. 3, at any point of time during the pendency of the present criminal case alleges that she was subjected to any cruelty, mental or physical by her husband or his family members, the court below after making necessary enquiry and giving an opportunity of hearing to the petitioner, is satisfied as with regard to such allegation of Wife-Opposite Party No. 2, the bail of the petitioner shall be cancelled forthwith and he would be taken into custody.

(v) 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.

(vi) 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.

(vii) 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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