

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18939 of 2015

Arising Out of PS.Case No. -2176 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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Md. Murtaza @ Murteza son of Md. Islamuddin Resident of village -
Matiyari, Police Station - Mahalgaon, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Joshnara Khatoon daughter of Abdus Salam wife of Md. Murtaz @
Murteza resident of village - Matiyari, Police Station - Sikty, District -
Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the Opposite Party/s : Mrs. Sahin Begum(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 498A of the Indian Penal Code and that the petitioner, husband, who before the court below had taken a clear stand through his counsel that there was no scope of compromise with the opposite party no.2, this Court would not find the petitioner entitled for grant of privilege of anticipatory bail.

When such an observation has been made, learned counsel for the petitioner himself offers to maintain the wife and the child till the end of the trial by making payment of Rs. 500/- per month. This approach of the petitioner in fact will go to show that he still wants to harass his wife and child, inasmuch as, in a

sum of Rs. 500/- neither the wife nor the child can be maintained.

In that view of the matter, this Court would direct that if the petitioner, namely, Md. Murtaza @ Murteza pays a sum of Rs. 5,000/- per month commencing from the month of June, 2015 till the end of the trial and surrender before the court below with a written undertaking to the aforementioned effect within a period of four weeks from today, 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 Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 2176 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) Such amount of Rs. 5,000/- per month must be deposited by the petitioner in the bank account to be furnished by the opposite party no.2 within a period of fifteen days on monthly basis by making payment by every 5th of next month commencing from the month of June, 2015. It is, however, made clear that even a single default in payment of installment would entail consequence of cancellation of the bail.
- (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)

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