

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24919 of 2015

Arising Out of PS.Case No. -3039 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Amjad Ali Ansari @ Amjad Ali Son of Ajmoddin Ansari resident of
village - Madhopur Shekh Toli, P.S. Turkauliya, District - East Champaran
at Motihari

.... Petitioner

Versus

1. The State of Bihar
2. Ruksana Khatoon wife Amjad Ali Ansari @ Amjad Ali, D/o Roji Ali
Ansari Resident of village - Shekh Toli, P.S. Turkauliya at present Address
Resident of village - Shreepur Bhatbliya, P.S. Sugauli, District - East
Champaran at Motihari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar
For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 24-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under
sections 498A, 420, 406, 323, 379, 504, 307 of the Indian Penal
Code and section 3/4 of the Dowry Prohibition Act and the fact
that the petitioner had got married to O.P.No.2 despite having his
first wife , now when the petitioner wants to get rid of his second
wife allegedly on the strength of a divorce given by him after
filing of the complaint petition, this Court would find him entitled
for being granted privilege of anticipatory bail only if he fulfils the
obligation that the petitioner has in capacity of the husband.

Learned counsel for O.P.No.2 in fact submits that the

petitioner is employed in Saudi Arabia and has a substantial paying capacity.

That being so, if the petitioner, Amjad Ali Ansari @ Amjad Ali, surrenders before the court below within a period of four weeks from today and gives a written undertaking to pay a sum of Rs.5,000/- per month commencing from the month of August, 2015 and till the end of the trial, 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 the S.D.J.M. Sadar, East Champaran at Motihari in Complaint Case No. C-3039/2012, subject to the following conditions:

(i) 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.

(ii) 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.

(iii) 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.

(iv) The petitioner shall without fail deposit such amount of Rs. 5000/- (Five Thousand) in the bank account of opposite party no. 2 by 5(fifth) day of the next month commencing from August 2015 and till the end of trial and his failure in making payment in any month within the aforesaid prescribed period of time shall automatically lead to consequence of cancellation of his bail.

surendra/-

(Mihir Kumar Jha, J)

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