

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17370 of 2015

Arising Out of PS.Case No. -1094 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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KRISHNANDAN PRASAD MATHURI @ KRISHNAND PRASAD
MADHURI son of Rajendra Prasad Mathuri, resident of Sohjana, P.S.-
Jhajha, District- Jamui

.... Petitioner

Versus

1. The State of Bihar
2. Rinku Devi W/o Krishnandan Pd. Mathuri @ Krishnand Pd. Madhuri, d/o
Late Bhola Pd. Mathari, R/o Sohjana PS Jhajha Distt. Jamui at present
Bankipur Gorakhpur Fatuha, P.S.- Fatuha, Distt.- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 24-07-2015 Heard learned counsel for the parties.

Pursuant to the earlier order of this Court dated 25.6.2015 both the petitioner and O.P.No.2 have appeared. This Court had the occasion to hear not only the petitioner and O.P.No.2 but also their learned counsel. For the time being it does not seem possible to accede to the request of the petitioner that O.P.No.2 should be allowed to go to the house of the petitioner whether at Delhi or his ancestral house, inasmuch as O.P.No.2 in Chambers has explained that the behaviour of the petitioner towards her was so painful that she cannot even think of the situation at this stage to live together with the petitioner. This Court would not like to record many thing in this regard which she has stated before this Court, especially

when they are also sought to be denied by the petitioner together. All these matters being qua allegation against each other in fact can be only gone into by the trial court where the matter is pending.

O.P.No.2 has got no source of income and he is living with her widow mother at Fatuha.

Keeping the allegation that has been made against the petitioner by her this Court was not inclined to grant privilege of anticipatory bail to the petitioner but then what has ultimately weighed upon this Court is preparedness of the petitioner to at least support his wife- O.P.No.2 for the time being by giving her financial assistance. He wanted to pay only a sum of Rs.6,000/- per months.

That being so, if the petitioner, Krishnandan Prasad Mathuri @ Krishnand Pd. Madhuri, surrenders before the court below within a period of four weeks from today and gives a written undertaking of making payment of Rs.6,000/- per month commencing from the month of July, 2015 to the date of conclusion of the trial by every 5th of the next month in the Bank account of O.P.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 the S.D.J.M., Patna City,

Patna in Complaint Case No. 1094/2012, subject to the following conditions:

(i) That the petitioner shall make payment of Rs.6,000/- per months commencing from the month of July, 2015 to the date of conclusion of the trial by every 5th of next month in the Bank account of O.P.No.2 and if there is any default even for one month in making payment of the aforementioned amount, the bail granted to the petitioner shall automatically stand cancelled.

(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 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.

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(Mihir Kumar Jha, J)