

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18958 of 2015

Arising Out of PS.Case No. -1259 Year- 2012 Thana -SUPAUL District- SUPAUL

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Santosh Sah @ Santosh Kumar son of Shyam Kishore Sah, Resident of village- Nirmali Ward No. 12 (Beside High School), P.S. Nirmali, District Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari, wife of Santosh Sah, D/o Bharat Sah, Resident of Ward No. 12, Inside Town Council, Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 27-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 498A of the Indian Penal Code and that the petitioner is the husband, who, now earlier order of this Court dated 18.06.2015, comes out to say that he will support his wife O.P. No. 2 by way of giving her 4000/- per months, this Court taking into account that at this stage, both the petitioner and the O.P. No. 2 will not live under the same roof, would direct the petitioner to surrender before the court below within a period of four weeks from today and also files his undertaking of making payment of Rs. 4000/- per month to the O.P. No. 2 commencing from the month of August, 2015 and till the end of the trial by depositing the same in the bank account of the O.P. No. 2 to be furnished by her to the court below, positively by every 5th day of the next month.

That being so, if the petitioner gives such undertaking, the court below shall release the petitioner namely Santosh Sah @ Santosh Kumar 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, Supaul in connection with Complaint Case No. 1259C of 2012, subject to further following condition:

- (i) Such payment of Rs. 4000/- per month, without fail, shall be made by the petitioner on month to month basis to the O.P. No. 2, as indicated above and on failure to pay even a single instalment within the prescribed period shall automatically entail consequence of cancellation of his bail.
- (ii) In the event, the O.P. No. 2 institutes any proceeding before the matrimonial court, the monthly amount of Rs. 4000/-, being paid by the petitioner to her, shall always be taken into account for fixing any further amount found payable by the petitioner to the O.P.No. 2.
- (iii) 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.



- (iv) 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.
- (v) 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.
- (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.

With the aforesaid observation and direction, this application is, accordingly, disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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