

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2888 of 2015

Arising Out of PS.Case No. -932 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Rakesh Kumar Mahto, S/o Sri Brahmdeo Mahto resident of village -
Sokhara No. - 1, P.O. - Barauni, P.S. - Phulwaria, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bibha Kumari W/o Rakesh Kumar Mahto D/o - Baidyanath Rai resident
of village - Chaksikandar, P.S. - Bidupur, District - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

7 12-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under
Section 498-A of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act and the fact that the petitioner is the husband
and that there is direct allegation against the petitioner of not only
harassing the complainant both physically and mentally as specifically
alleged in the F.I.R., this Court was not inclined to grant privilege of
anticipatory bail specially when the efforts of conciliation had failed
both at the stage before the District and Sessions Judge and also before
the Mediation Centre of this Court.

Learned counsel for the petitioner, however, voluntarily has
come out to make an offer that the petitioner shall be prepared to pay s
sum of Rs. 5,000/- per month for the up keep and maintenance of the

O.P. No. 2 till the end of the trial.

Considering this offer to be at least reasonable to the extent that the O.P. No. 2 shall be in a position to maintain herself, this Court would direct the petitioner, namely, Rakesh Kumar Mahto, to surrender within a period of four weeks from today.

If he does so, he shall be released 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, Vaishali at Hajipur, in connection with Complaint Case No. 1932 of 2013, T.R. No. 2864 of 2014, subject to the following condition:

(i) The monthly amount of Rs. 5000/- shall be deposited by the petitioner in the bank account of the O.P. No. 2 till the conclusion of trial by every 5th day of the next month commencing from the month of August, 2015 and on failure to deposit even a single monthly instalment by the petitioner, it will entail automatic consequence of cancellation of his bail and she will have a right to also bring to the notice of trial court as with regard to default of any payment in the monthly instalment by the petitioner.

(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)

Sujit/-

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