

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18909 of 2015

Arising Out of PS.Case No. -134 Year- 2014 Thana -DHANARUA District- PATNA

Sanjeet Pandit S/o Umesh Pandit R/o Village- Oriyara P.O- Beer, P.s-
Dhanrua, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Manjusha Devi W/o Sanjeet Pandit ,D/o Satish Pandit House of Binod
Sao , At present R/o Village+ P.O- Sampat chak, P.s - Gaurichak, district-
Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party/s: Mr. U.S.P.Singh(App)

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 against the petitioner for offence under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, and the allegation of mental and physical torture against the petitioner/the husband being apparent on the face of record not only by way of leaving the wife and his two and half years old child but also allegedly entering into the second marriage, this Court was not inclined to grant privilege of anticipatory bail to the petitioner.

When such an observation was made, learned counsel for the petitioner has submitted that the allegation of second marriage of the petitioner is not correct and that the petitioner is

ready to establish his relationship with the wife, the informant of this case.

In considered opinion of this court, such issue will have to be adjudicated in the trial.

Learned counsel for the petitioner then submits that the petitioner will be ready to support the informant/his wife and the child by way of making payment of a sum of Rs. 5000/- per month till the end of the trial.

Therefore, if the petitioner, namely, Sanjeet Pandit surrenders within a period of four weeks from today and gives an undertaking of paying Rs. 5,000/- per month to the informant Manjusha Devi commencing from the month of June 2015 and onwards by every 5th day of next month, 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, Masaurhi, Patna in connection with Dhanarua P.S.Case No. 134 of 2014, subject to the following conditions:

- (i) That monthly payment of Rs. 5,000/- by the petitioner shall be made in the bank account of the informant Manjusha Devi to be furnished by the informant in the court below within 15 days



of receipt of this order and such payment in the bank account of the informant by the petitioner commencing from the month of June 2015 is made without fail by every 5th day of the next month, till the conclusion of the trial. It is, however, made clear that on failure of payment, even a single instalment within the prescribed time, shall automatically entail the consequence of cancellation of the bail.

- (ii) That both the bailors will be close family relatives 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 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 his 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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