

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35425 of 2014

Arising out of P.S.Case No. -2869 Year- 2012 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Jamiruddin, Son of Rauf Miya resident of village- Dumarpatti, P.S.-
Baniyapur, District- Saran, Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. M.Haque, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner, who faces prosecution under Section 498A of the Indian Penal Code this Court initially was not inclined to grant him privilege of anticipatory bail specially when the court below in the impugned order has noted that while the wife of the petitioner was all along prepared to live with the petitioner but it was the petitioner who had developed cold feet and shown reluctance by remaining absent in course of such conciliation proceeding undertaken before the Court below.

This Court is infact of the view that the petitioner ought to have accepted his responsibility as a husband by way taking his wife back to his home or at least agreed to support his wife financially by way of paying her a reasonable monthly amount of maintenance either till their relationship had improved or the trial could have come to an end.

When such an observations has been made learned counsel for the petitioner submits that the petitioner is a tailor and has a very limited means of his income, and would be prepared to pay at best a sum of Rs. 4000/- per month to the complainant/wife petitioner by 5th day of every month commencing from the month of February 2015 and till the end of trial for his being granted anticipatory bail.

Thus, in view of the aforesaid offer, if the petitioner namely Jamiruddin surrenders within a period of four weeks from today and gives an undertaking of making payment of Rs. 4000/- per month to his wife, from the month of February 2015 and till the end of trial 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 S.D.J.M., Siwan in connection with Complaint Case No. 2869 of 2012, subject to the following condition:

- (i) The amount of Rs. 4000/- to be deposited by the petitioner in the court below by every 5th day of the next month commencing from the month of February 2015 and till the end of trial shall be paid to his wife, the complainant, Moajma Khatoon @ Mosalma Khatoon and on failure to deposit even a single monthly instalment by the petitioner, it will entail the automatic consequence of cancellation of his bail.
- (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.

Sujit/-

(Mihir Kumar Jha, J)

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