

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38773 of 2014

Arising Out of PS.Case No. -472 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Yunush Alam S/o late Nirman Mian r/o Jatiyahi, P.S.- Raxual, Dist.- East
Champaran

.... Petitioner/s

Versus

1.The State of Bihar

2.Ashama Khatoon w/o Yunush Alam D/o Jamil Akhater r/o village Jatiyahi
P.S. Raxaul, District East Champaran at present r/o Village Mahanguwa
P.S. Kundwa Chainpur, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Adv
For the State	:	Mr. Kanhaiya Kishore (App)
For the O.P. No. 2	:	Mr. Md. Nurul Hoda, Adv & Mr. Waliur Rahman, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 29-07-2015 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for Opposite

Party No. 2.

Having regard to the nature of allegation against

the petitioner for the offence punishable under Section-

498A of the Indian Penal Code, this Court taking into

account the allegation made against the petitioner by

Opposite Party No. 2, was not inclined to grant the

privilege of anticipatory bail to the petitioner keeping in

view the mental torture given by the petitioner to



Opposite Party No. 2, who now in view of the second marriage of the petitioner, is not ready to live with the petitioner, as she finds her own fate and the fate of her son aged about three years to be wholly unsafe in the hands of the petitioner.

When such an observation has been made, learned counsel for the petitioner comes out to say that the petitioner would be ready to maintain his wife- Opposite Party No. 2, and the son born out from his marriage by paying a sum of Rs. 6000/- which would commence from the month of July-2015, and continue till the end of the trial.

Having regard to the fact that this offer is also acceptable to learned counsel for Opposite Party No. 2, this Court would direct that if the petitioner, namely **Yunush Alam**, surrenders before the Court below within a period of four weeks and gives a written undertaking for payment of Rs. 6000/- per month for maintenance of his Wife-Opposite Party 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 **J.M. 1st Class, Sikraha at Motihari, East Champaran** in connection with **Trial No. 3190 of 2014, Enquiry No. 142 of 2014** arising out of **Complaint Case No. C-472 of 2013**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) Such amount of Rs. 6000/- has to be deposited by the petitioner in the bank account to be furnished by the Wife-Opposite Party No. 2, on month to month basis commencing from July 2015 by every fifth day of the next month and failure to do so by the petitioner even for a single month would automatically entail the consequences of cancellation of his bail.

(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 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.

(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.

(Mihir Kumar Jha, J)

surendra/-

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