

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41804 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -MAHILA P.S. District- SEKHPURA

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Chandan Chaudhary S/o Premchandra Chaudhary aged 30 years R/o Sarai
Tad, P.S. Lalpur, District Ranchi, Jharkhand.

.... Petitioner

Versus

1. The State of Bihar.
2. Sarita Kumari through her father D/o Sri Rajkumar Chaudhary R/o
Wajidpur, P.S. AND District Sheikhpura.

.... Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-01-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under sections 498A/406/307/34 of the Indian Penal Code and that the victim- O.P.No.2 the wife the petitioner is a dumb girl who needed all sort of protection from the petitioner being his husband but unfortunately he became the cruel person, who at one point of time in fact having known fully well of O.P.No.2 being a dumb person had married her, this Court now in view of the submissions made by the learned counsel for the informant O.P.No.2 that she is no longer trusting the petitioner on account of mental humiliation and physical torture inflicted on her can not accept the first offer of the learned counsel for the petitioner that the petitioner be granted bail because he is now ready to atone for his past misconduct and keep the O.P. no. 2



with dignity with him. Since this offer has not been accepted by the learned counsel for the informant O.P. No. 2 on account of apprehension on the life of O.P.No.2 due to her past experience in the hands of the petitioner, this Court has accepted the alternative offer given by the learned counsel for the petitioner of being granted bail on his agreeing to pay a sum of Rs.5,000/- per month to O.P.No.2 by way of her maintenance till disposal of the present criminal case.

In that view of the matter, this Court would direct for release of the petitioner, Chandan Chaudhary, on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheikhpura in Sheikhpura (Mahila) P.S.Case No. 20/2014, subject to the following conditions:

(i) The petitioner shall deposit a sum of Rs.5,000/- per month in the trial court by every 5th of next month and the same will be paid thereafter to O.P. 2. Such payment shall commence from the month of January, 2015 till the end of the trial of the petitioner and failure on the part of the petitioner to pay even a single installment shall automatically lead to cancellation of his bail.

(ii) 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) The bailor shall also state on affidavit that he 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.

(iv) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) 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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