

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2274 of 2018

Arising Out of PS.Case No. -200 Year- 2017 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

- =====
1. Sidheshwar Singh @ Sudeshwar Singh @ Munna son of Lallan Singh.
 2. Lallan Singh son of late Ram Lagan Singh.
 3. Upendra Singh son of Lallan Singh.
 4. Chandeshwar Singh son of late Prasad Singh.
 5. Rita Devi wife of Sidheshwar Singh.

All residents of village Akauni P.O. Mahuwat, P.S. Sonhan District
Kaimur at Bhabua.

.... Petitioner/s

Versus

1. State of Bihar.
2. Sandhya Devi wife of Sidheshwar Singh @ Munna, resident of
Village Akauni P.S. Sonhan, District Kaimur at Babua at present
address village Tekari P.S. Chenari, District Rohtas at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-03-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Complaint

Case No.200 of 2017 instituted for the offence under Sections 494,

323, 380/34 Indian Penal Code.

The complainant has alleged in the complaint

petition that she has been married with petitioner No.1, she gave

birth to two children after the marriage with petitioner no. 1. The

petitioner No. 1 has solemnized second marriage with Rita Devi,

petitioner no. 5, and one child has also born from the aforesaid



wedlock. The complainant has also filed Domestic Violence Case. The complainant went to the house of the petitioners and started living there after reconciliation. In the night of the 25.02.2017 the petitioners entered into her house and committed theft of clothes, Bag and cash etc.

Counsel for the Complainant has appeared and submitted that there is an order of the court below to make payment of maintenance at the rate of Rs.3,000/- per month to the complainant but petitioner no.1 is not making regular payment.

There is no specific allegation against petitioner nos.2, 3, 4 and 5.

In the facts and circumstances of the case, prayer of the petitioner nos.2, 3, 4 and 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos.2, 3, 4 and 5, named above, within four weeks from today in connection with Complaint Case No.200 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, II, Kaimur at Bhabua, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the



court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

So far petitioner no.1 is concerned, he is directed to surrender before the Court below within a period of four weeks from the date of receipt of the order and file affidavit that entire dues amount of maintenance will be paid to the Complainant-Opposite Party No.2 within two months and he will also make regular payment of the maintenance amount by 15th of every month, and in that event, the Court below will release the petitioner on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand each) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Kaimur at Bhabua, subject to the conditions mentioned above.

It is made clear that the petitioner no.1 will make payment of the entire arrear amount of maintenance either before surrender in the Court below or within period of two months from



his release and will also make regular payment of the amount of maintenance to Complainant-Opposite Party No.2 by 15th of every month. In the event, petitioner no.1 defaults in making payment of arrear amount of maintenance and the regular maintenance amount as ordered by Court below, the bail bond of the petitioner will be liable to be cancelled on the petition filed by the complainant (Opposite Party No. 2).

(Sanjay Priya, J)

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