

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27737 of 2021

Arising Out of PS. Case No.-575 Year-2011 Thana- COMPLAINT CASE District- Jamui

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UTTAM MISTRI @ UTTAM SHARMA Son of Late Chamru Mistri Resident
of Village- Domanpura, P.S. and District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Uttam Mistri, D/o- Jay Govind Mistri Resident of
Village- Genadih, P.S.- Gidhaur, District- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr. Rana Randhir Singh,

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-12-2021 Heard the learned Counsel for the petitioner learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out
of Complaint Case No. 575/2011 dated 23.05.2011, registered
for the offences punishable under Sections 323, 341, 498(A),
494, 308 and 504/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that
from perusal of the allegation, it would manifest that marriage
between the petitioner and the informant took place 12 years
ago and thereafter petitioner started drinking and from wedlock,
three children were born and when informant used to protest the
drinking habits of the petitioner, she was assaulted and

petitioner even performed second marriage with Manisha Devi ousted the informant on 20.05.2011 and accordingly the complaint was filed on 23.05.2011.

The learned counsel for the petitioner submits that earlier by order dated 14.02.2014 in Cr. Misc. No.49853 of 2013, this petitioner was granted provisional anticipatory bail on the condition that he would be paying Rs.750/- per month in the Court below, firstly within 15 days of the release of bail and subsequently by 15th of every month and the wife of the petitioner will be at liberty to withdraw the amount without prejudice of the rights of the parties and the Court below shall inform the wife of the petitioner about the present case.

The learned counsel submits that the petitioner did not comply with the conditions imposed by order dated 14.02.2014, as such, his provisional anticipatory bail was cancelled and he was taken into custody on 04.12.2020. The learned counsel submits that now the petitioner is willing to keep the informant but the learned APP submits that in the FIR, itself, it has been alleged that this petitioner has married for the second time despite the fact that he had three children from the informant including one daughter.

The learned counsel for the petitioner submits that

in terms of the order dated 21.10.2021, the petitioner has paid half of the outstanding amount in terms of the order dated 14.02.2021 in Cr. Misc. No.49853 of 2014 and is on provisional bail. The learned counsel submits that within a period of one year from now, he will be depositing the rest of the outstanding amount along with Rs.50,000/- and will continue paying Rs.750/- per month from January, 2022, in terms of the order dated 14.02.2014 in Cr. Misc. No.49853 of 2013 to the complainant. The said Rs.750/- will be deposited in the learned Court below till the complaint case is not decided and the same would be handed over to her to the learned Court below, this payment would be without prejudice to the right of the complainant to seek maintenance by moving before an appropriate forum.

The Provisional bail granted by order dated 21.10.2021 shall continue and in the event the petitioner deposits the arrears of outstanding along with Rs.50,000/- as agreed by 2nd December, 2022, the provisional bail shall be confirmed and if the amount as agreed is not paid within the time aforesaid, the provisional bail will not be confirmed, further if the petitioner does not deposit Rs.750/- per month from January, 2022, the Court below will be at liberty to cancel

the provisional anticipatory bail, if the default is of more than 2 months.

(Satyavrat Verma, J)

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