

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34428 of 2024

Arising Out of PS. Case No.-700 Year-2018 Thana- KHAGARIA District- Khagaria

Gurudev Sah son of Chamru Sah Village- Dhusmuri Bishanpur Ps- Muffasil
Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritu Kumari wife of Gurudev Sah, D/o- Late Naresh Pd. Sah Village-
Shaligrami Ps- Sahebpurkamal Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 30-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State as also the informant.

2. The petitioner apprehends his arrest in connection with Khagaria (Muffasil) P.S. Case No. 700 of 2018 for the offence registered under sections 341, 323, 354, 494 and 504 of the Indian Penal Code lodged on 09.10.2018 by the informant Ritu Devi.

3. Though the couple is present, again there is no sign of any amicable settlement in Maintenance Case No. 01M/2019 (Ritu Kumari Vs. Gurudev Sah). The learned Principal Judge, Family Court, Khagaria on 23.07.2019 had given interim order of payment of Rs. 4,000/- per month.



4. This order was passed on 28.07.2019 and the lady informed that not a single penny has been paid.

5. In that background, learned counsel for the petitioner on instruction from the husband, who is present in the Court, submits that he will be clearing the entire amount of Rs. 1,84,000 in four installments inasmuch as:

(i) Rs. 50,000/- at the time of execution of bail bond;

(ii) another Rs. 50,000 within 15 days from the date of execution of bail bond;

(iii) third installment of Rs. 50,000/- within 30 days from the date of the execution of bail bond and;

(iv) the last installment of Rs. 34,000/- within 45 days from the date of execution of bail bond.

6. It is the further statement of the learned counsel on instruction that he shall be making payment of Rs. 4,000 every month diligently by tenth of that month failing which the lady will be free to file petition for cancellation of his bail bond.

7. Additionally, the husband has undertaken to provide Rs. 1,000/- and thus it totals Rs. 5,000/- per month which shall be paid by him by tenth of every month.

8. Allegation is there, case is also there, the petitioner will have to face the trial, for the present, considering the facts



that has come as also the submissions, this Court is inclined to grant him the anticipatory bail with conditions.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 700 of 2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) if the petitioner defaults in making payment of Rs. 1,84,000/- within the aforesaid stipulated period and/or does not provide Rs. 5,000/- per month by the tenth of every month, the lady will be free to immediately file petition for cancellation of his bail bond.



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

