

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37178 of 2014

Arising Out of PS.Case No. -88 Year- 2013 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Md. Saheb Alam @ Guddu son of Md. Hafeez Sah, resident of Mohalla
Mainpura, Danapur Cant., P.S. Danapur, District Patna.

.... Petitioner/s

Versus

1.The State of Bihar

2.Mahjabin Praveen, d/o Md. Asgar Sah, village Bagwartola Aurangabad,
Q.P. Tehta, P.s. Makhdumpur, District Jehanabad.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-02-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner, prays for and
is allowed to implead Mahjabin Praveen as opposite
party no. 2 to this application.

Having regard to the nature of allegation against
the petitioner for the offences punishable under
Sections-498(A), 323, 341, 504 and 34 of the Indian
Penal Code and Section-4 of the Dowry Prohibition Act
and the fact that the petitioner was prepared to keep his
wife, Opposite Party No. 2, but at present she is not
inclined to live with the petitioner, this Court would
grant the privilege of anticipatory bail to the petitioner
only if he is ready to maintain his wife by paying sum of

Rs. 3000/- per month during the pendency of the trial.

Thus if the petitioner, namely, Md. Saheb Alam @ Guddu surrenders within a period of four weeks from today and gives a written undertaking for payment of Rs. 3000/- 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 **Sub-Divisional Judicial Magistrate, Jehanabad** in connection **Complaint Case No. 88 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. 3000/- has to be deposited by the petitioner in the concerned Court on month to month basis commencing from February 2015 by every seventh day of the next month and that amount shall be paid to the wife (Opposite Party No. 2) of the petitioner 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 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) That the petitioner will give an undertaking that he will remain 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) 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.

Ranjan/-

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(Mihir Kumar Jha, J)