

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21041 of 2014

Arising Out of PS.Case No. -27 Year- 2012 Thana -NARARI KALA KHURD District-
AURANGABAD

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Ajay Prajapati @ Kush S/o Ramchandra Prajapati resident of Village -
Shankarpur, P.S. - Narari Kalakhurd, District - Aurangabad.

..... Petitioner

Versus

1. The State of Bihar.

2. Radhika Devi W/o Ajay Prajapati @ Kush resident of Village - Kayari
Tola, Durga Bigha, P.S. - Aurangabad Muffasil, District - Aurangabad.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Saket Kumar Singh, Advocate

For the State : Mr. Dr. Ravindra Kumar, APP

For Opp. Party No. 2 : Dr. Leelawati Kumari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

9 14-01-2015

This Court is indeed shocked and surprised to know the manner in which the Sessions Judges or Additional Sessions Judges are dealing with the applications filed for regular bail in matters where the allegation against the accused is referable to Section 498A, IPC. Not only in this case but in many cases, except recording the contentions of the parties rejecting the bail applications, there is no application of mind at all. Applications are being rejected mechanically unmindful of the law laid down by the Supreme Court in this behalf. Obviously, on account of the failure on their part to discharge their functions properly, the High Court is flooded with petition, in this regard. In a way, such officers are rendering the provision pertaining to bail as well as well the power conferred upon them to grant bail redundant.

The allegation against the petitioner is just referable to Section 498A, IPC. It is not understandable as to how a person can be kept in jail on such basic allegation for such a long time even while the Supreme Court has been observing that the provision of the Section is being misused.

The allegation against the petitioner in the instant case is mostly that he is not looking after his wife properly. There is no allegation of specific act of violence. The petitioner was arrested on 30.11.2013. B.P. No. 82/2014 filed before 1st Additional Sessions Judge, Aurangabad was rejected on 27.3.2014. Net result is that he is in prison for the past 1 year and 1 month. This Court is satisfied that the petitioner deserves to be granted bail. Prayer for bail is granted.

Hence, the petition is allowed. The petitioner, namely, Ajay Prajapati @ Kush is directed to be released on bail on furnishing bail bond of Rs.5,000/- (Rs. Five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Narari Kala Khurd PS Case No.27/2012.

On release, the petitioner and his wife, the 2nd opposite party, shall appear before the nearby Family Court.

The Registrar is directed to inform the concerned officers that any instance of non-application of mind on their part or negligence in discharge of proper duty would be taken serious note of.

(L. Narasimha Reddy,CJ)

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