

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39642 of 2014

Arising Out of PS.Case No. -2358 Year- 2010 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Md. Mustaque Son of Ajimul Haque, Resident of Village - Bagaha Shaida,
P.S. - Thawe, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar

2. Anjum Aara Wife of Md. Mustaque, D/o Md. Farukh, Resident of
Village - Bagaha Saida, P.S. - Thawe, at present resident of village -
Indrawa Abadullah, P.S. - Gopalganj, District - Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party no.1 : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-01-2015 A case under Section 498A and other relevant provisions of the Indian Penal Code was registered against the petitioner on a complaint submitted by his wife. On earlier occasion, the petitioner was granted anticipatory bail subject to condition that he shall pay maintenance for his wife and children. However, unable to pay the petitioner surrendered.

The petitioner moved regular application for bail before the court of Sessions Judge, Gopalganj, by filing BP No.669 of 2014. The same was dismissed on 16.8.2014. Hence this application.

Heard Mr. Naresh Singh, learned counsel for the petitioner and Mrs. Anita Kumari, learned APP.

Though the petitioner had the advantage of anticipatory bail he could not reap the benefit of the same on account of his inability to pay the amount mentioned therein. Nearly six months have elapsed since he is in prison. The scope of adjudication in cases where allegation is referable to Section 498A, IPC is very limited.

This application is allowed. The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Gopalganj, in connection with Complaint Case No. 2358 of 2010/Tr. No.2635 of 2014.

(L. Narasimha Reddy,CJ)

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