

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38468 of 2014**

Arising Out of PS.Case No. -3784 Year- 2012 Thana -SARAN COMPLAINT CASE District-  
SARAN

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Vivek Dubey @ Vivek Kumar Dubey @ Dablu, Son of Bharat Dubey,  
Resident of Village - Paigambarpur, P.S. - Baniyapur, District - Saran at  
Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Guddi Devi, Wife of Vivek Kumar Dubey @ Dablu, Resident of Village  
- Paigambarpur, P.S. - Baniyapur, District - Saran at Chapra, at present  
Daughter of Gauri Shankar Pandey, Resident of Village - Mubarakpur, P.S.  
- Marhourah, District - Saran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL ORDER**

2      14-01-2015                      The petitioner is facing trial for the offences  
  
punishable under Sections 498A, 323, 406, 504 read with 34 of  
  
the Indian Penal Code and 34 of the Dowry Prohibition Act on a  
  
complaint submitted by his wife. He has been arrested in June,  
  
2014.

B.P.No.1213 of 2014 was filed by the petitioner  
  
before the Court of learned Adhoc Additional Sessions Judge,  
  
5<sup>th</sup>, Saran at Chapra which was dismissed on 31.07.2014. Hence,  
  
this application under Section 439 of the Code of Criminal  
  
Procedure.

Heard Sri Manoj Kumar, learned counsel for the

petitioner and Sri Madhuranand Jha, learned A.P.P. for the opposite party.

The only allegation against the petitioner is referable to Section 498A of the Indian Penal Code. The chargesheet is said to have been filed. The truth or otherwise of the allegation against the petitioner needs to be decided in the trial. He cannot be kept in the prison indefinitely.

Hence, the application is allowed. The petitioner is directed to 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Complaint Case No.3784 of 2012.

**(L. Narasimha Reddy, CJ)**

Sunil/-

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