

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39706 of 2014

Arising Out of PS.Case No. -631 Year- 2010 Thana -SAMASTIPUR COMPLAINT CASE District-SAMASTIPUR

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Md. Akhlaque @ Md. Alkhlaque Ahmad @ Ekhlaque Ahmad, Son of Late Iqbal Ahmad, Resident of Sibesinghpur, P.S. Mohiuddin Nagar, Dist.- Samastipur

..... Petitioner

Versus

1. State of Bihar

2. Shabrana Khatton, D/o Md. Akhlaque @ Md. Akhlaque, at present resident of Babhangama Banghara New Tola, P.S Chatohi Dist.- Samastipur

.... Opposite Parties

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Appearance :

For the Petitioner/s : M/s. Alok Kumar Alok, Manmohan Kumar and Hanslal Kumar

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-01-2015

The petitioner is being tried for offence punishable under Section 498-A of the Indian Penal Code. The petitioner has been arrested and is in prison since 6.4.2014.

The petitioner filed Bail Petition No.1774 of 2014 in the court of Adhoc Additional Sessions Judge-II, Samastipur and the same was dismissed on 10.6.2014. Hence, this application.

The allegations against the petitioner are only referable to Section 498-A, IPC. In the recent past Hon'ble

Supreme Court held that arrest and continued detention, in cases registered under Section 498-A, IPC is almost unwarranted. Therefore, further detention of the petitioner is not at all warranted.

Hence, the petition is allowed. The petitioner shall 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 the Additional Chief Judicial Magistrate, Dalsinghsarai, in connection with Complaint Case No. 631 of 2010/Tr. No. 952 of 2014.

(L. Narasimha Reddy,CJ)

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