

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4619 of 2014

Arising Out of PS.Case No. -321 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ram Dhyan Yadav S/O Late Ram Chandra Yadav R/O Village- Kako
Bibipur, P.S.- Kako, District- Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Simanti Devi W/O Ram Dhyan Yadav, resident of Koko Bibipur, P.S.
Kako, District-Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha

For the Opposite Party/s : Mr. Ram Chandra Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 30-07-2015 The petitioner figured as accused in Complaint Case

No.321(c)/2012, filed in the Court of Sub-Divisional Judicial

Magistrate, Masaudi, Patna, for the offences punishable under

Section 498A IPC and Sections 3 and 4 of the Dowry Prohibition

Act.

Apprehending his arrest, the petitioner filed ABP

No.3827 of 2013 before the Sessions Judge, Patna. The same was

rejected through order dated 10.12.2013. Hence, this application

for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The allegation against the petitioner is referable to

Section 498A IPC. In the recent past, the Hon'ble Supreme Court

held that arrest and continued detention, in cases registered under Section 498A IPC, is almost unwarranted. Therefore, it is not at all necessary to arrest an accused in a case of that nature.

Hence, this application is allowed. In the event of arrest or surrender, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Masaudi, Patna in connection with Complaint Case No.321 (c) of 2012, subject to the conditions as laid down under Section 438(2) Cr. P.C..

It is further directed that in case the complainant-wife intends to join the petitioner, he shall be under obligation to take and maintain her. If the petitioner refuses to maintain her, the anticipatory bail shall stand cancelled.

(L. Narasimha Reddy, CJ)

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