

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35712 of 2014

Arising Out of PS.Case No. -1232 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

Radhe Shyam Patel S/o Sheo Patel resident of vill.- Nanaura, P.S.-
Ghorasahan, Dist.- East Champaran.

..... Petitioner/s

Versus

1. The State of Bihar
2. Reeta Devi D/o Sudishta Das, W/o Radheshyam Patel residing at vill.-
Bhelwa Kothi, P.S.- Ghorasahan, Dist.- East Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Ajay Kumar 1, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 09-07-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner who is an accused in connection with Trial No. 1036 of 2014 arising out of Complaint Case No. C 1232 of 2012 for the offence punishable under Section 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, pending in the court of Sub Divisional Judicial Magistrate, Sikarhana at Motihari, East Champaran.

Apprehending his arrest, the petitioner filed ABP No. 413/2014 in the court of learned Sessions Judge, East Champaran, Motihari. The same was rejected through order dated 5.7.2014. Hence, this application.

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

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.

It is directed that in the event of his arrest, the petitioner, namely, Radhe Shyam Patel, shall 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 the Sub Divisional Judicial Magistrate, Sikarhana at Motihari, in connection with Trial No. 1036 of 2014 arising out of Complaint Case No.C 1232 of 2012, subject to the conditions as laid down under Section 438(2) CrPC.

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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