

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34226 of 2014

Arising Out of PS.Case No. -40 Year- 2013 Thana -HATHAURI District- SAMASTIPUR

Mukesh Kumar Jha Son of Late Mohan Jha R/o Village Bhat Simri, P.S.
Raj Nagar, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi D/o Bachu Choudhary, resident of Vill. Chatauni, PO
Baheri, PS Hathauri, Dist. Samastipur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. M.Dayal, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 02-07-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner who is an accused in relation to Hathauri PS Case No. 40/2013 for the offence punishable under Sections 323, 307, 498A, 379, 380, 120B/34 of the Indian Penal Code pending in the court of learned Additional Chief Judicial Magistrate, Roshera, Samastipur.

Apprehending his arrest, the petitioner filed ABP No.1653/2013/1990/2014 in the court of the learned Sessions Judge, Samastipur. The same was rejected through order dated 15.5.2014.

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, Mukesh Kumar Jha 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 learned Additional Chief Judicial Magistrate, Roshera, in connection with Hathauri PS Case No. 40/2013, 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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