

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39651 of 2014

Arising Out of PS.Case No. -676 Year- 2012 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

Manoj Kumar Chaudhary, Son of Vijay Chaudhary, Resident of Village
+P.S. - Alampur, P.S. - Shivsagar, District – Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narendra Kr.Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 30-04-2015

The petitioner figured as accused in Complaint Case

No. 676 of 2012, registered on the basis of a complaint submitted by the wife of the petitioner alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioner filed A.B.P. No. 1982 of 2013 in the court of learned Sessions Judge, Rohtas, Sasaram. The learned Judge rejected the application through order dated 22.05.2014. Hence, this application for grant of anticipatory bail under Section 438 of Code of Criminal Procedure.

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

Whether one goes by the nature of allegations or the law laid down by the Supreme Court in the recent past, the arrest of a person who figured as accused in a case wherein

offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sasaram in connection with Complaint Case No. 672 of 2012, subject to the conditions that:-

(a) if any arrangement has been ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) disposal of this application shall be without prejudice to the proceedings for mediation, if any.

(L. Narasimha Reddy, CJ)

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