

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41821 of 2014

Arising Out of PS.Case No. -16 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

=====

1. Akhilesh Kumar Paswan @ Akhiles Paswan, Son of Late Sattan Paswan,
Resident of Village- Mustufapur, Malkana Tola, Taruniya Chowk, Police
Station- Bhuwati , District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari Wife of Akhilesh Kumar Paswan, Daughter of Late Shiv
Paswan Resident of Mohalla-Abhanda, Police Station- Laheriasarai,
District- Darbhanga

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. C.Sen Pd.Singh (APP)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 23-07-2015 The petitioner figured as accused in Laheria Saria

P.S. Case No.16 of 2014 wherein offences punishable under

Sections 498A, 341 and 323 of the Indian Penal Code and

Sections 3 and 4 of the Dowry Prohibition Act are alleged.

Apprehending his arrest, the petitioner filed ABP
No.821 of 2014 before the Sessions Judge, Darbhanga. The same
was rejected through order dated 19.08.2014. Hence, this
application 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, 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 Chief Judicial Magistrate, Darbhanga, in connection with Laheria Saria P.S. Case No.16 of 2014, 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)

Sunil/-

U		T	
---	--	---	--