

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42442 of 2014

Arising Out of PS.Case No. -1886 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Binod Ram, son of Saral Ram, resident of Village Jaiswari Tola, P.S. Ramnagar, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeet Devi wife of Binod Ram, daughter of Basdeo Ram, resident of Malani Tola, Gurwalia, P.S. Manuapul, District-West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 23-07-2015 The petitioner is shown as accused in Complaint Case No.1886C of 2011 in the Court of Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, wherein offences punishable under Sections 498A 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.583 of 2013 before the Sessions Judge, West Champaran, Bettiah. The same was rejected through order dated 27.08.2014. 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 Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in connection with Complaint Case No.1886C of 2011, 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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