

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45404 of 2014

Arising Out of PS.Case No. -2315 Year- 2013 Thana -COMPLAINT CASE District- BANKA

Sk. Imtiyaz @ Imtiyaz Son of Sk. Siraj Resident of village- Dumrama,
Police Station- Amarpur, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Najrin Wife of Sk. Imteyaz Resident of village- Dumrama, Police
Station- Amarpur, District- Banka. At Present Bibi Najrin d/o Asruddin
Resident of village- Dumrama, Police Station- Amarpur, District- Banka

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Shailendra Kumar I, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 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 Complaint Case No. 2315/2013 for the offence punishable under Sections 498A of the IPC and Section 4 of the Dowry Prohibition Act pending in the court of the Sub Divisional Judicial Magistrate, Banka.

Apprehending his arrest, the petitioner filed ABP No.1729/2014 in the court of learned Sessions Judge, Bhagalpur Camp Court at Banka. The same was rejected through order dated 26.08.2014.

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, Sk. Imtiyaz @ Imtiyaz 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 Sub Divisional Judicial Magistrate, Banka, in connection with Complaint Case No. 2315/2013, 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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