

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43128 of 2014

Arising Out of PS.Case No. -196 Year- 2010 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

Rushtam Mian @ Bigu Mian @ Md. Rushtam, S/o Late Ali Hasan Mian,
R/o Vill. Chand Saraiya, PO and PS Pipra Kothi, District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon W/o Rushtam Mian, D/o Md.Subhan, R/o Vill. Hardia,
PO & PS Chhavradano, District East Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pravin Kumar

For the State : Mr. Amit Kumar Rakesh, APP

For Opposite Party No.2 : M/s Anis Akhtar, Asif Kalim

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 Complaint Case No. 196/2010, Trial No. 2695/2014 for the offence punishable under Sections 498A, 323 of the Indian Penal Code pending in the court of the Chief Judicial Magistrate, Motihari, East Champaran.

Apprehending his arrest, the petitioner filed ABP No.0192 of 2014/816 of 2014 in the court of learned Sessions Judge, East Champaran, Motihari. The same was rejected through order dated 10.9.2014.

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, Rushtam Mian @ Bigu Mian @ Md. Rushtam 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Complaint Case No. 196/2010 Trial No. 2695/2014, 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)

mrl

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