

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46816 of 2014

Arising Out of PS.Case No. -2043 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Kanhaiya Prasad Varanwal S/o Shyama Prasad Varanwal Resident of
village - Semariya, J Ghat, P.S. Rivilganj, Distt. - Saran at Chhapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi, w/o Kanhaiya Prasad Varanwal, D/o Madheshwar Prasad, R/o Vill. Semariya Jahajghat, PS Rivilganj, Distt. Saran at Chapra; At present resident of Vill. Kabirpur, PO Bangara, PS Manjhi, Dist. Saran at Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Ganesh Pd. Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 09-07-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner who is an accused in connection with Tr. No.2700/2014 arising out of Complaint Case No. 2043/2013 for the offence punishable under Section 498A of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act, pending in the court of Sub Divisional Judicial Magistrate, Saran at Chapra.

Apprehending his arrest, the petitioner filed ABP No. 1543 of 2014/4811 of 2014 in the court of learned Sessions Judge, Saran at Chapra. The same was rejected through order dated 22.8.2014. Hence, this application.

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, Kanhaiya Prasad Varanwal, 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 Sub Divisional Judicial Magistrate, Saran at Chapra, in connection with Complaint Case No.2043/2013, Tr. No. 2700/2014, 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)

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