

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47314 of 2014

Arising Out of PS.Case No. -334 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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1. Md. Firoj son of Md. Islam
 2. Bibi Tarannum wife of Md. Rabban @ Md. Rijwan
 3. Bibi Anjum daughter of Md. Islam
 4. Bibi Hasina wife of Md. Islam
 5. Md. Islam son of Late Md. Darogi
 6. Md. Rijwan @ Md. Rabban Son of Md. Kamal
 7. Md. Sadar Aalam son of Md. Mehadi Hasan All resident of Village : Patarghat South Tola PS. Sour Bazar (O.P. Patarghat), District : Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Farjana Khatoon, W/o Md. Firoj, resident of Vill. Patarghat South Tola, PS Sour Bazar, Distt. Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Binod Kumar No. 2, APP

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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 petitioners who are accused in relation to Sour Bazar PS Case No. 334/2014 for the offences punishable under Sections 341, 323, 498A, 313, 379/34 of the IPC and Section 4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Saharsa.

Apprehending arrest, the petitioners filed ABA No.6658 of 2014/6664 of 2014 in the court of learned Sessions Judge, Saharsa. The same was rejected through order dated 28.10.2014.

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

The allegation against the petitioners 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 arrest, the petitioners shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties each of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar PS Case No. 334/2014, 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-husband, he shall be under obligation to take and maintain her. If the petitioner-husband refuses to maintain her, the anticipatory bail shall stand cancelled.

(L. Narasimha Reddy,CJ)

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