

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48223 of 2014

Arising Out of PS.Case No. -1616 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Arjun Kumar Patel Son of Ganesh Patel resident of village- Balua Chowk
Raghunathpur, P.S.- Motihari Town, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari Daughter of Brij Kishore Prasad, resident of Mohalla-
Balua Tal Opposite of Mahavir Lalita Middle School, P.S.- Motihari Town
District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Akbar Ali (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 30-07-2015 The petitioner figured as accused in Complaint Case

No.1616 of 2012, filed in the Court of Sub-Divisional Judicial

Magistrate, Sadar at Motihari, East Champaran, for the offences

punishable under Section 498A, 379 and 504 of the Indian Penal

Code.

Apprehending his arrest, the petitioner filed ABP

No.0323 of 2014 before the Sessions Judge, East Champaran,

Motihari. The same was rejected through order dated 30.08.2014.

Hence, this application for grant of anticipatory bail 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 or surrender, 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 S.D.J.M. Sadar at Motihari, East Champaran, in connection with Trial No.3331 of 2013/5563 of 2014, Enquiry Case No.422 of 2012, arising out of Complaint Case No.1616 of 2012, 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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