

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.48847 of 2014**

Arising Out of PS.Case No. -441 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-  
EASTCHAMPARAN(MOTIHARI)

Ashok Kumar Son of Sahdeo Bhagat @ Sahdeo Prasad resident of village -  
Sawangiya, P.S. Madhuban District - East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Neelam Devi wife of Ashok Kumar, daughter of Rameshwar Prasad  
resident of village - Pagamber Pur West Tola, P.O. Saghari, P.S. Meenapur,  
District - Muzaffarpur

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

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

**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 connection with Trial No. 3802/2014 arising out of Complaint Case No. 441/2012 for the offence punishable under Sections 498A, 323, 420, 406, 504/34 of the IPC read with Section 3 /4 of the Dowry Prohibition Act in the court of Sri Dewesh Kumar, Judicial Magistrate 1<sup>st</sup> Class, Sikarhana, Motihari, East Champaran.

Apprehending his arrest, the petitioner filed ABP No.12/2014 in the court of learned Sessions Judge, Motihari, East Champaran. The same was rejected through order dated 19.05.2014.

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, Ashok Kumar 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 Sri Dewesh Kumar, Judicial Magistrate 1<sup>st</sup> Class, Motihari, East Champaran in connection with Trial No. 3802/2014 arising out of Complaint Case No. 441/2012, 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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