

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50935 of 2014

Arising Out of PS.Case No. -555 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Shahnawaz @ Afroz Son of S.K. Abdul Quaum, Resident of Village -
Jaising pur, Belhati P.S.- Turkauliya, District - East Champaran

..... Petitioner/s

Versus

1. The State of Bihar
2. Shams Tavrej, Son of S.K. Mansoor Alam, Resident of Village -
Semraghat, P.S.- Majhawaliya District - East Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Shailendra Kumar Singh, 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 relation to Turkakulia PS Case No. 555/2014 for the offence punishable under Sections 498A of the IPC read with Section 3 /4 of the Dowry Prohibition Act in the court of the Chief Judicial Magistrate, Motihari.

Apprehending his arrest, the petitioner filed ABP No.01439/2014/ 2253/14 in the court of learned Sessions Judge, Motihari, East Champaran. The same was rejected through order dated 19.11.2014.

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, Shahnawaz @ Afroz 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 Tarkaulia PS Case No.555/2014, 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	
---	--	---	--