

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

**Criminal Miscellaneous No.51211 of 2014**

Arising Out of PS.Case No. -1680 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-  
MADHUBANI

=====

Sushil Kumar Jha Son of Shubh Chandra Jha, Resident of Village-  
Chhatauni, P.S.- Basoi, District- Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi wife of Sushil Kr. Jha, daughter of Muneshwar Jga, resident  
of Vill. Ram Nagar, PS Arer, Dist. Madhubani

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

=====

**Appearance :**

For the Petitioner/s : Mr. Hriday Kant Mishra

For the Opposite Party/s : Mr. Madhuranand Jha, APP

=====

**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 C R Case No. 1680 of 2011/Tr. No. 3469/2012 for the offence punishable under Sections 32, 379 and 498A of the Indian Penal Code, pending in the court of Sri M K Srivastava, Judicial Magistrate 1<sup>st</sup> Class, Madhubani.

Apprehending his arrest, the petitioner filed ABP No. 389/2013 in the court of learned Sessions Judge, Madhubani. The same was rejected through order dated 9.6.2014. 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, Sushil Kumar Jha, 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 M K Srivastava, Judicial Magistrate 1<sup>st</sup> Class, Madhubani, in connection with C R No. 1680/2011/Tr. No.3469/2012, 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)**

mrl

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|