

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1557 of 2014

Arising Out of PS.Case No. -118 Year- 2010 Thana -PIRBAHOR District- PATNA

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1. Dayanand Kumar S/O Prahlad Saw R/V- Bahitpur, P.S.- Gaurichak,
Distt.- Patna Petitioner/s

Versus

1. The State Of Bihar
2. Renu Devi, w/o Sri Dayanand Kumar, r/o Vill- Bakerganj, Bhanwar
Pokhar, P.S. Pirbahore, Distt- Patna Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 13-04-2015 The petitioner figured as accused in Pirbahore

P.S. Case No.118 of 2010, (G.R. No.2047 of 2010),

registered on the basis of a complaint submitted by the

wife of the petitioner alleging offences including one

punishable under Section-498A of I.P.C. Apprehending

arrest, the petitioner filed A.B.P. No.4047/13 in the court

of learned Sessions Judge, Patna. The learned Judge

rejected the application through order dated 29.11.2013.

Hence, this application for grant of anticipatory bail

under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Whether one goes by the nature of allegations

or the law laid down by the Supreme Court in the recent

past, the arrest of a person who figured as accused in a

case wherein offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

The order dated 6.3.2014 granting provisional anticipatory bail to the petitioner shall be deemed to be one granting anticipatory bail, subject to the conditions that:-

(a) if any arrangement has been ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) disposal of this application shall be without prejudice to the proceedings for mediation, if any.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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