

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13964 of 2014**

Arising Out of PS.Case No. -87 Year- 2013 Thana -KHAIRA District- JAMUI

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1. Md. Mahtab Ansari Son Of Mubarak Ansari Resident Of Village-  
Jhundo, P.S- Khaira, Distt- Jamui.

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Raziya Khatom, Daughter of Md. Mazid Ansari, resident of village  
Bukar, P.S. + District- Jamui.

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

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**Appearance :**

For the Petitioner/s : Mr. Prabhat Ranjan Singh

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

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL ORDER**

4      13-04-2015                      The petitioner figured as accused in Khaira  
  
P.S. Case No.87 of 2013, 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.99/2014 in the court of learned Sessions Judge,  
  
Jamui. The learned Judge rejected the application  
  
through order dated 7.2.2014. 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 2.8.2014, granting provisional anticipatory bail to the petitioner shall be treated as 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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