

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16423 of 2014

Arising Out of PS.Case No. -96 Year- 2009 Thana -COMPLAINT CASE District- JAMUI

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1. Rakesh Kumar Singh @ Gattu Singh Son Of Harendra Kumar Singh @
Sudhir Singh Resident Of Village- Sahur, P.S And District- Jami.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Devi, wife of Rakesh Kumar Singh @ Gattu, at present resident
of village Parasa, P.S.- Khaira, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 13-04-2015 The petitioner figured as accused in Complaint Case No.96(C), 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.A. No.706/2013 in the court of learned Sessions Judge, Jamui. The learned Judge rejected the application through order dated 5.4.2014. 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 24.4.2014, 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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