

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16921 of 2014

Arising Out of PS.Case No. -917 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Kamlesh Kumar Son of Devendra Prasad R/o Village / Mohalla-
Mohininagar, P.S. Airport, Shekhpura, Mill Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Kumari @ Pushpa Kumari son of Most Aeha Devi R/o Mohalla
Gola Road, Mahadeo Ward No. 21 P.S. Danapur, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Adv.

For the Opposite Party/s : Mr. Abhay Kr. Roy (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in

Complaint Case No.917(C) 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.6196 of 2013 in the court of

learned Sessions Judge, Patna. The learned Judge

rejected the application through order dated 14.3.2014.

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 15.5.2014 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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