

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17034 of 2014

Arising Out of PS.Case No. -2902 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Ritesh Kumar Sharma @ Ritesh Sharma S/o Rajesh Sharma Resident of Village Bikrampur, P.S. Marhaura, District Saran at Chapra at present residing at 7, Panchsheel Society, Railway Station Road, Karasath, P.S. Vidya Nagar, District Anand (Gujrat).

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrita Sharma, wife of Ritesh Kr. Sharma @ Ritesh Sharma, Daughter of Bhagwan Sharma, at present village Bhagwanpur, P.S.- Derni, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Pd.(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.2902/12, 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.1852/2013 in the court of learned Sessions Judge, Saran at Chapra. The learned Judge rejected the application through order dated 21.2.2014. 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 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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