

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21435 of 2014

Arising Out of PS.Case No. -36 Year- 2013 Thana -ANTICHAK District- BHAGALPUR

- =====
1. Abhishek Sharma son of Subodh Sharma, resident of village Badali Chak, Dhankund, Police Station Dhankund, district Banka
 2. Kaushal Sharma son of Late Bhavash Sharma, resident of village Pakki Sarai, Police Station Ghogha, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Janki Devi, daughter of Sant Lal Sharma, wife of Abhishek Sharma, at present resident of village Oriup, P.O.- Antichak, P.S.- Antichak, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kr. Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 13-04-2015 The petitioners figured as accused in Antichak P.S. Case No.36 of 2013, registered on the basis of a complaint submitted by the wife of the petitioner No.1, alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioners filed A.B.P. No.2413 of 2013 in the court of learned Sessions Judge, Bhagalpur. The learned Judge rejected the application through order dated 23.12.2013. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioners 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.

In the event of arrest, the petitioners are directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) each, along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur, in connection with Antichak P.S. Case No.36 of 2013, 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 No.1 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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